

# United States District Court District of Utah

FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 18 P 1:50  
BY: [Signature]  
JULY CLERK

UNITED STATES OF AMERICA

vs.

Darrell Eugene Ebert

(For Revocation of Probation or Supervised Release)  
(For Offenses Committed On or After November 1, 1987)

Case Number: 2:00CR388DS

Plaintiff Attorney: Drew Yeates, AUSA

Defendant Attorney: Jamie Zenger

Atty: CJA \_\_\_ Ret \_\_\_ FPD ☒

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of \_\_\_\_\_

Defendant's USM No.: 08397-081

Defendant's Residence Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Countr USA

2/17/05

Date of Imposition of Sentence

Defendant's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Country USA

THE DEFENDANT:

☒ admitted to allegation(s)

☐ pleaded nolo contendere to  
which was accepted by the court.

☐ was found guilty as to allegation(s)

COP \_\_\_\_\_ Verdict \_\_\_\_\_

Admitted to allegations 3, 4 & 5 of Supervised Release Petition

Violation Number

3

4

5

Nature of Violation

Failed to report arrest to Probation Officer

Missed randomly scheduled drug tests

Failed to attend substance abuse therapy since 3/04

Date Violation  
Occured

10/6/04

21 separate dates

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) Allegations 1 & 2 (is)(are) dismissed on the motion of the United States.

## SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that defendant be committed to the custody of the United States Bureau of Prisons for a term of 11 months with credit for time served

Upon release from confinement, the defendant shall be placed on supervised release for a term of \_\_\_\_\_

☐ The defendant is placed on Probation for a period \_\_\_\_\_  
The defendant shall not illegally possess a controlled substance.

86

***For offenses committed on or after September 13, 1994:***

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

**SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

**CRIMINAL MONETARY PENALTIES**

**FINE**

The defendant shall pay a fine in the amount \$ \_\_\_\_\_, payable as follows:

☐ forthwith.

☐ in accordance with the Bureau of Prison's Financial Responsibility Program while and thereafter pursuant to a schedule established by the U.S. Probation office, based upon defendant's ability to pay and with the approval of the court.

☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.

☒ other:

No Fine Imposed

☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:

☐ The interest requirement is waived.

☐ The interest requirement is modified as follows:

**RESTITUTION**

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--------------------------------------

Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: \_\_\_\_\_

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_

pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

#### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \_\_\_\_\_, payable as

☐ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

#### PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

#### DEPARTURE

The Court grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

#### RECOMMENDATION

☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the of Prisons: \_\_\_\_\_

Defendant: Darrell Eugene Ebert  
Case Number: 2:00CR388DS

Page 4 of 5

---

**CUSTODY/SURRENDER**

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The defendant shall report the institution designated by the Bureau of \_\_\_\_\_ by \_\_\_\_\_  
Institution's local time,  
\_\_\_\_\_ on \_\_\_\_\_.

DATE: February 18, 2005

David Sam  
David Sam  
United States District Judge

Defendant: Darrell Eugene Ebert  
Case Number: 2:00CR388DS

Page 5 of 5

**RETURN**

**I have executed this judgment as follows:**

---

---

---

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:00-cr-00388

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation  
DISTRICT OF UTAH

,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

Michele M. Christiansen, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Jonathan D. Yeates, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Rebecca C. Hyde, Esq.  
SNOW CHRISTENSEN & MARTINEAU  
10 EXCHANGE PLACE  
PO BOX 45000  
SALT LAKE CITY, UT 84145-5000  
EMAIL

Jamie Zenger, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

# United States District Court District of Utah

FILED  
CLERK U.S. DISTRICT COURT  
FEB 18 P 1:50  
RECEIVED  
CLERK

UNITED STATES OF AMERICA

vs.

Alan Ratrisouk

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **1:04CR139DS**

Plaintiff Attorney: **Trina Higgins, AUSA**

Defendant Attorney: **Randall Cox**

Atty: CJA \_\_\_ Ret ☒ FPD \_\_\_

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's USM No.: **10612-081**

Defendant's Residence Address: \_\_\_\_\_

**2/17/05**

Date of Imposition of Sentence

Defendant's Mailing Address: \_\_\_\_\_

**6094 S. Vixen Way**

**Kearns, UT 84118**

Country **USA**

Country **USA**

### THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☐ was found guilty on count(s)

COP **12/9/04** Verdict \_\_\_\_\_

**1 of the Indictment**

### Title & Section

**18 USC §922 (g)(1)**

### Nature of Offense

**Possession of a Firearm by Convicted Felon**

### Count

**Number(s)**

**1**

☐ The defendant has been found not guilty on count(s)

☐ Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

### SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **21 months (to run concurrently with 6 month sentence imposed in 2:03CR35DS)**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **36 months**

☐ The defendant is placed on Probation for a period of \_\_\_\_\_  
The defendant shall not illegally possess a controlled substance.

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*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing.
2. The defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the United States Probation Office and shall not possess or consume alcohol during the course of treatment
3. The defendant shall not use or possess alcohol.

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ \_\_\_\_\_, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
No Fine Imposed

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:

- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

#### **RESTITUTION**



The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other:

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

#### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

#### PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

#### DEPARTURE

The Court grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

Defendant: Alan Ratrisouk  
Case Number: 1:04CR139DS

Page 4 of 5

### RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

**Placement at Phoenix facility; any available drug/alcohol treatment & education programs; any available educational/vocational programs**

---

### CUSTODY/SURRENDER

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.

☐ The defendant shall report to the institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE: February 18, 2005

David Sam  
David Sam  
United States District Judge

• Defendant: Alan Ratrisouk  
Case Number: 1:04CR139DS

Page 5 of 5

### RETURN

I have executed this judgment as follows:

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---

---

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:04-cr-00139

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Trina A Higgins, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Mr. Randall D Cox, Esq.  
1894 S MAIN ST  
SALT LAKE CITY, UT 84115

US Probation  
DISTRICT OF UTAH

,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT  
JAN 13 P 1:50  
CLERK

# United States District Court District of Utah

UNITED STATES OF AMERICA

VS.

Demetrius Omega Parker

aka Dee Parker

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:04CR704DS**

Plaintiff Attorney: **Dave Backman, AUSA**

Defendant Attorney: **Mary Corporon**

Atty: CJA ☒ Ret ☐ FPD ☐

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's USM No.: **11988-081**

Defendant's Residence Address: \_\_\_\_\_

Country: \_\_\_\_\_

**2/17/05**

Date of Imposition of Sentence

Defendant's Mailing Address: \_\_\_\_\_

**245 W. Reed Ave.**

**Salt Lake City, UT 84103**

Country **USA**

### THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☐ was found guilty on count(s)

COP **12/9/04** Verdict \_\_\_\_\_

**1 of the Indictment**

### Title & Section

**18 USC 922(g)(1)**

### Nature of Offense

**Possession of Firearms/Ammunition by a Convicted  
Felon**

### Count

**Number(s)**

**1**

☐ The defendant has been found not guilty on count(s)

☒ Count(s) **2-4 of the Indictment** (is)(are) dismissed on the motion of the United States.

### SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of **57 months**

Upon release from confinement, the defendant shall be placed on supervised release for a term of **36 months**

☐ The defendant is placed on Probation for a period of \_\_\_\_\_  
The defendant shall not illegally possess a controlled substance.

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Defendant: Demetrius Omega Parker  
Case Number: 2:04CR704DS

Page 2 of 5

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing.
2. The defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the United States Probation Office and shall not possess or consume alcohol during the course of treatment.
3. The defendant shall not use or possess alcohol.

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ \_\_\_\_\_, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
**No Fine Imposed**

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

---

#### **RESTITUTION**

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: \_\_\_\_\_

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

#### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

#### PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

#### DEPARTURE

The Court grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

Defendant: Demetrius Omega Parker  
Case Number: 2:04CR704DS

Page 4 of 5

### RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

**Placement at Terminal Island facility; any available drug/alcohol treatment and education program; any available vocational/educational programs**

### CUSTODY/SURRENDER

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.

☐ The defendant shall report to the institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE: February 18, 2005

David Sam  
David Sam  
United States District Judge



Defendant: Demetrius Omega Parker  
Case Number: 2:04CR704DS

Page 5 of 5

**RETURN**

I have executed this judgment as follows:

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---

---

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00704

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

David F. Backman, Esq.  
US ATTORNEY'S OFFICE

/  
EMAIL

Ms. Mary C. Corporon, Esq.  
CORPORON & WILLIAMS PC  
808 E SOUTH TEMPLE  
SALT LAKE CITY, UT 84102  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

/  
EMAIL

US Probation  
DISTRICT OF UTAH

/  
EMAIL

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

DEEPHAVEN PRIVATE PLACEMENT  
TRADING, LTD., et al.,

Case No. 2:03CV00379 DS

Plaintiffs,

vs.

ORDER

RONALD W. DAW, et al.,

Defendants.

This matter is before the court on Deephaven's motion to certify dismissal against Grant Thornton as final. The matter is fully briefed and the court, having considered the arguments of the parties, finds that Plaintiffs have not satisfied their burden of proving "no just reason for delay" in certifying the dismissal of Grant Thornton.

Under Federal Rules of Civil Procedure 54(b), Plaintiffs must show that: 1) the order is final, and 2) that there is "no just reason to delay entry of judgment." There is no dispute that under FRCP 54(b) the court order is final because it completely disposes of a claim or a party. However, Plaintiffs have not carried their burden of showing "no just reason for delay" because they failed to answer questions regarding judicial economy and the hardship or injustice that might be inflicted upon other litigants because of the delay.<sup>1</sup>

<sup>1</sup>Though the burden of showing "no just reason for delay" rests with the Plaintiffs, Plaintiffs argue that because the Defendants have not come up with a persuasive reason why certification would be prejudicial to the parties, certification should be allowed. This court is not persuaded by this reasoning or approach.

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Accordingly, the motion to certify dismissal against Grant Thornton as final is denied.

SO ORDERED.

DATED this 18<sup>th</sup> day of February, 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Sam", is written over a horizontal line.

DAVID SAM  
SENIOR JUDGE  
U.S. DISTRICT COURT

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00379

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Alan L Sullivan, Esq.  
SNELL & WILMER LLP  
15 W SOUTH TEMPLE STE 1200  
GATEWAY TOWER W  
SALT LAKE CITY, UT 84101  
EMAIL

Brent O. Hatch, Esq.  
HATCH JAMES & DODGE  
10 W BROADWAY STE 400  
SALT LAKE CITY, UT 84101  
EMAIL

Richard R. Nelson II, Esq.  
COHEN & GRIGSBY  
11 STANWIX ST 15TH FL  
15TH FLOOR  
PITTSBURGH, PA 15222  
EMAIL

Mr. Thomas R Karrenberg, Esq.  
ANDERSON & KARRENBERG  
50 W BROADWAY STE 700  
SALT LAKE CITY, UT 84101  
EMAIL

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH  
FEB 18 2005  
MARKUS B. ZIMMER, CLERK  
BY DEPUTY CLERK

\*\*\*\*\*  
EARL L. PAGEL

)

Case No. 2:04CV684 DS

Plaintiff,

)

v.

)

**ORDER ADDRESSING  
PLAINTIFF'S MOTION FOR  
COMPREHENSIVE REVIEW AND  
MOTION FOR LEAVE TO AMEND**

WASHINGTON MUTUAL BANK, INC.,  
LUNDBERG & ASSOCIATES,

)

)

Defendants.

)  
\*\*\*\*\*

**I. PLAINTIFF'S MOTION FOR LEAVE TO AMEND RESPONSE ON NEWLY  
DISCOVERED STATUTE**

Plaintiff has moved this court for leave to amend his "Response to Defendant Washington Mutual's Motion to Dismiss" by retracting his statement that he will no longer pursue state claims. He claims that Utah Code Annotated § 78-12-40 allows for commencement of a new action within one year of the failure of a suit, and that the suit he initiated in 2000 is still active, so the commencement of the current action was within the year allowed by § 78-12-40.

However, the docket clearly shows that the former case ( Docket #2:00CV776) was disposed of as to these defendants on June 25, 2001. On that date Judge Campbell signed an order adopting the magistrate judge's report and recommendation, and granted the current defendants' motion to dismiss. The plaintiff later appealed a different order denying a motion for leave to amend his complaint. That appeal was dismissed by the 10th Circuit Court of Appeals. After that appeal, the plaintiff continued the lawsuit against another defendant. On November 11, 2002 a judgment was entered, and the case was closed (See Docket No. 81 and the last entry

on the docket). Clearly, that case had been closed for more than one year when this case was filed.

Section 78-12-40, U.C.A. also requires that a case fail "otherwise than upon the merits." The magistrate judge's Report and Recommendation, which was adopted in the order dismissing the plaintiff's former case, indicates that the facts set forth in the complaint did not support any cause of action. Plaintiff correctly notes that the magistrate judge stated, "Plaintiff's styling of his complaint as a civil rights claim and failure to state such a claim does not mean his complaint fails to create any claims." However, Plaintiff fails to note that the magistrate judge then went on to examine the complaint to see if it might state other claims, and then concluded that, "Examination of the complaint does not reveal a stated but unlabeled claim against BU [now Washington Mutual] or Lundberg." Clearly, the judge concluded that the complaint contained no legitimate claims, and therefore the case failed on the merits.

Because the plaintiff's former case has been closed for more than a year, and because it failed on the merits, this court holds that Utah Code Annotated § 78-12-40 does not apply. Therefore, we deny Plaintiff's Motion for Leave to Amend Response.

## **II. PLAINTIFF'S MOTION FOR COMPREHENSIVE REVIEW**

The plaintiff's second motion is entitled "Motion for Comprehensive Review" pursuant to Rules 59(a)(2), and 60(b). This appears to be a second Motion for Reconsideration, one of which the court has already denied. The plaintiff provides basically four arguments in his motion.

First, he argues that his state claims are not timed-barred because of the newly discovered statute. However, the court considered that argument above, concluding that the statute does not apply in this case. The state claims continue to be time-barred.

Second, the plaintiff argues that the court's ruling failed to address his position that a bankruptcy court order is a quasi-contract. The court is not aware of any decisions holding that failure to adhere to a bankruptcy reorganization plan constitutes breach of contract, and Mr. Pagel has not cited any such cases.

Third, the plaintiff argues that he was denied discovery that would have facilitated his quest to further support the "pattern" element of his RICO claim. When this court considered the defendants' motion to dismiss, the standard of review that we were required to apply was "not to weigh potential evidence that the parties might present at trial, but to assess whether the plaintiff's complaint alone is legally sufficient to state a claim for which relief may be granted." *Miller v. Glanz*, 948 F.2d 1562, 1565. In addition, as the plaintiff has stated on several occasions, "all well-pleaded factual allegations . . . are accepted as true and viewed in the light most favorable to the non-moving party." *Sutton v. Utah State School for the Deaf & Blind*, 173 F.3d 1226, 1236 (10th Cir. 1999). The operative word here is "factual." If the plaintiff wanted to demonstrate that other individuals had been injured by the defendants' "pattern of racketeering," then he needed to plead specific facts about those individuals (who they are, the specific circumstances of their injury, etc.).

Broad, general statements, such as the following, are insufficient: "Without proof WaMu has completely overhauled the former Texas operations, it can only be presumed WaMu continues to disobey court orders and clients' instructions as prescribed," and "L&A maintained



a policy of undermining clients' Chapter 13 filings to explicitly foreclose on clients' real estate, for which Plaintiff will provide impeccable witness testimony at trial." These statements of opinion are not specific enough to be considered well-pleaded factual allegations. Therefore, the complaint failed to state a claim for which relief could be granted, and the plaintiff was not entitled to conduct further discovery to supplement his claims.

Fourth, the plaintiff argues that the court's ruling on what constitutes a pattern is not in accordance with circuit court rulings. We dealt extensively with the pattern issue in our previous ruling, and we find—again—that Plaintiff has not presented any newly discovered evidence, nor has he shown a "manifest error of law" that would justify altering or amending the judgment.

### III. CONCLUSION

For the foregoing reasons Plaintiff's Motion for Leave to Amend Response on Newly Discovered Statute and his Motion for a Comprehensive Review are both denied.

SO ORDERED.

DATED this 17<sup>th</sup> day of February, 2005.

BY THE COURT:



DAVID SAM

SENIOR JUDGE

U.S. DISTRICT COURT

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00684

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Earl L. Pagel  
DUCHESNE COUNTY JAIL  
#41105  
PO BOX 10  
DUCHESNE, UT 84021

Mr. Gary E Doctorman, Esq.  
PARSONS BEHLE & LATIMER  
201 S MAIN ST STE 1800  
PO BOX 45898  
SALT LAKE CITY, UT 84145-0898  
EMAIL

Mr. Scott Lundberg, Esq.  
LUNDBERG & ASSOCIATES  
3269 S MAIN STE 100  
SALT LAKE CITY, UT 84115  
EMAIL

RECEIVED

JAN 25 2005

OFFICE OF U.S. DISTRICT JUDGE  
BRUCE S. JENKINS  
RECEIVED CLERK  
FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 13 P 1:50  
2005 JAN 25 P 11:43  
U.S. DISTRICT COURT  
DISTRICT OF UTAH  
BY: CLERK

Susan Rose 7985  
9553 South Indian Ridge Dr.  
Sandy, Utah 84092  
Phone/fax (801) 545-0441

IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION  
UNITED STATES OF AMERICA

Dr. Steven S. MacArthur, M.D., et al

**ORDER GRANTING**  
PLAINTIFFS' MACARTHUR, LYMAN,  
VALDEZ' MOTION TO FILE AN  
OVERLENGTH BRIEF FOR SANCTIONS,  
REPLY TO OPPOSITION FOR MRS.  
LYMAN'S MOTION FOR  
RECONSIDERATION, AND MRS.  
LYMAN'S OBJECTION FOR AN  
ENLARGMENT OF TIME FOR  
DEFENDANTS TO RESPOND TO  
LYMAN'S SUMMARY JUDGMENT  
MOTION

V.

San Juan County, San Juan Health  
Services District, Commissioner  
J. Tyron Lewis, Rick Bailey; Bill Redd,  
Craig Halls; Commissioner Lyn Stevens  
(official capacity only); Commissioner Manuel  
Morgan (Navajo member) (official capacity  
only); Reid Wood, Roger Atticity (Navajo  
Member), John Lewis, Karen Adams,  
Truck Insurance; Nettie Prack (official  
Capacity only); Glen Imel (official capacity  
Only); John Felmeth (official capacity only);  
et al AND their assigns, principals, corporations  
or associations, known and unknown,  
incorporated and unincorporated and  
other John and Jane Does as yet to be  
identified each in their individual  
and official capacities,

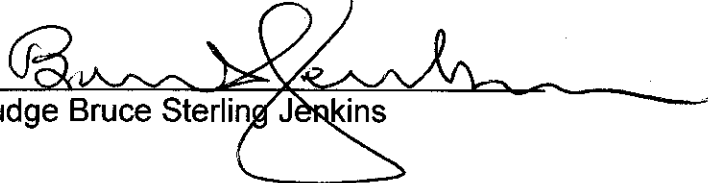
*Defendants.*

(hearing requested)  
Case no. 2:00CV0584  
Judge Bruce Jenkins

712

NOW COMES THE COURT, having received and reviewed the Plaintiffs motion to file an overlength brief in support of the Plaintiffs' motion for sanctions, reply to the defendants opposition to reconsideration, and objection to an enlargement of time, hereby grants the Plaintiffs motion for good cause shown.

So signed this <sup>File</sup>18 day of ~~January~~, 2005

  
Judge Bruce Sterling Jenkins

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:00-cv-00584

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Blaine J. Benard, Esq.  
HOLME ROBERTS & OWEN LLP  
299 S MAIN ST STE 1800  
SALT LAKE CITY, UT 84111-2263  
EMAIL

Ms. Carolyn Cox, Esq.  
HOLME ROBERTS & OWEN LLP  
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Dan R. Larsen, Esq.  
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GATEWAY TOWER W  
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160 E 300 S  
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Ms. Judith A. Jensen, Esq.  
UTAH ATTORNEY GENERAL'S OFFICE  
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Susan Rose, Esq.  
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SANDY, UT 84092

Robert R. Harrison, Esq.  
SNOW CHRISTENSEN & MARTINEAU  
10 EXCHANGE PLACE

PO BOX 45000  
SALT LAKE CITY, UT 84145-5000  
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R. Dennis Ickes  
4257 PANORAMA DR  
SALT LAKE CITY, UT 84124

Mr. Jesse C Trentadue, Esq.  
SUITTER AXLAND  
PO BOX 45101  
175 S WEST TEMPLE #700  
SALT LAKE CITY, UT 84145-1480  
EMAIL

United States District Court  
for the District of Utah

**Petition and Order for Warrant for Offender Under Supervision**

Name of Offender: **Stephen Patrick Reilly**

Docket Number: **2:03-CR-00299-001-DB**

Name of Sentencing Judicial Officer: **Dee V. Benson**

Date of Original Sentence: **October 3, 2003**

Original Offense: **False Statement During Acquisition of a Firearm**

Original Sentence: **36 Months**

Type of Supervision: **Probation**

Supervision Began: **October 3, 2003**

**PETITIONING THE COURT**

☒ To issue a warrant and toll 462 Mayo Circle, Tooele, Utah 84074  
the supervision term

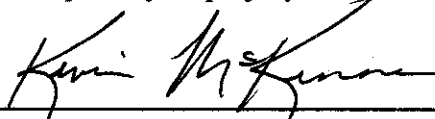
**CAUSE**

The probation officer believes that the offender has violated the conditions of supervision as follows:

**Allegation No. 1:** On February 4, 2005, the defendant was involved in a physical altercation with officers from the Veterans Affairs Medical Police Department and subsequently charged with the offenses of Disorderly Conduct and Forcibly Resisting a Federal Officer.

**Allegation No. 2:** The defendant has failed to provide verification that he is currently involved in individual mental health therapy through the Veteran's Administration and has failed to provide access to the records of the Veteran's Administration to confirm his participation in mental health treatment.

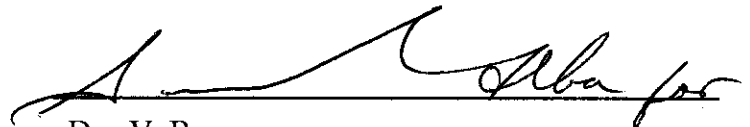
I declare under penalty of perjury that the foregoing is true and correct



Kevin McKenna, Supervising U.S. Probation Officer  
Date: February 18, 2005

**THE COURT ORDERS:**

- ☒ The issuance of a warrant  
and tolling of the supervision term
- ☐ The issuance of a summons
- ☐ No action
- ☐ Other



Dee V. Benson  
Chief United States District Judge

Date: 2/18/05

28

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cr-00299

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation  
DISTRICT OF UTAH

,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

David F. Backman, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL



Paul M. Belnap, #0279  
Stuart H. Schultz, #2886  
Andrew D. Wright, # 8857  
STRONG & HANNI  
Attorneys for Defendant  
3 Triad Center, Suite 500  
Salt Lake City, Utah 84180  
Telephone: (801) 532-7080  
Facsimile: (801) 323-2037

Michael D. Zimmerman, # 3604  
Kimberly Neville, #9067  
Peter H. Donaldson, #9642  
SNELL & WILMER  
Co-Counsel for Defendant  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101  
Telephone: (801) 257-1900

FILED  
CLERK, U.S. DISTRICT COURT  
FEB 16 10 P 1:50  
BY: [Signature]  
DEPUTY CLERK

RECEIVED CLERK  
FEB 17 2005  
U.S. DISTRICT COURT

---

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

BILL WILSON, an individual, K'LYN )  
WILSON, an individual, ASHLEY WILSON, )  
an individual, and Bill Wilson for THE )  
ESTATE OF NATALEE WILSON, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
STATE FARM MUTUAL AUTOMOBILE )  
INSURANCE COMPANY, )  
 )  
Defendant. )

**SCHEDULING ORDER**

Case No. 2:04CV00820

Judge Bruce S. Jenkins

33

On January 4, 2005, the parties held a Rule 26(f) Attorneys Planning Conference to discuss the timing of discovery in this matter. The scope and timing of discovery was further discussed with the Court at a hearing on January 7, 2005. Based on the Attorneys Planning Meeting Report submitted by the parties and on the discussions with the Court at the January 7, 2005 hearing, it is:

**HEREBY ORDERED, ADJUDGED and DECREED** that the scope and timing of discovery in this matter shall proceed as follows:

1. Scope of discovery: Discovery is necessary on all topics relating to trial of plaintiffs' damages on the underlying wrongful death and negligent infliction of emotional distress claims. At trial, the jury will be instructed that there is 100 percent liability on the part of LTI, Inc. and its driver. For purposes of proving damages, the parties may present evidence concerning the circumstances of the accident.
2. Initial disclosures shall be made by January 31, 2005.
3. Fact discovery will be completed by July 1, 2005.
4. Expert witness designations shall be made by all parties by June 1, 2005.
5. Expert witness reports and disclosures as required by Rule 26 shall be made by the party bearing the burden of proof at trial by September 1, 2005.
6. Rebuttal expert witness reports and disclosures as required by Rule 26 shall be made by October 3, 2005.
7. Expert discovery shall be completed by December 30, 2005.


8. Pretrial disclosures and supplementation shall proceed as set forth in Rule 26 or as otherwise ruled by the Court.

9. A Pretrial Hearing is scheduled in this matter for January 13, 2006 at 9:30 a.m.


10. The parties shall submit an agreed upon pretrial order to the Court by January 11, 2006.

DATED this 18 day of February, 2005.

UNITED STATES DISTRICT COURT

By   
The Honorable Judge Bruce S. Jenkins

APPROVED AS TO FORM:

  
Daniel W. Hindert  
Christina Jepson Schmutz  
Counsel for Plaintiffs

### CERTIFICATE OF SERVICE

I hereby certify that on this 16 day of January, 2005, a true and correct copy of the foregoing **SCHEDULING ORDER** was served by the method indicated below, to the following:

Daniel W. Hindert	<input checked="" type="checkbox"/>	U.S. Mail, Postage Prepaid
Christina Jepson Schmutz	<input type="checkbox"/>	Hand Delivered
PARSONS BEHLE & LATIMER	<input type="checkbox"/>	Overnight Mail
201 South Main Street, Suite 1800	<input type="checkbox"/>	Facsimile
P. O. Box 45898		
Salt Lake City, Utah 84145-0898		

Michael D. Zimmerman	<input checked="" type="checkbox"/>	U.S. Mail, Postage Prepaid
SNELL & WILMER	<input type="checkbox"/>	Hand Delivered
15 West South Temple, Suite 1200	<input type="checkbox"/>	Overnight Mail
Gateway Tower West	<input type="checkbox"/>	Facsimile
Salt Lake City, UT 84101-1004		

Harold King

004409.2000

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00820

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Daniel W Hindert, Esq.  
PARSONS BEHLE & LATIMER  
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PO BOX 45898  
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Michael D Zimmerman, Esq.  
SNELL & WILMER LLP  
15 W SOUTH TEMPLE STE 1200  
GATEWAY TOWER W  
SALT LAKE CITY, UT 84101  
EMAIL

**United States District Court  
for the District of Utah**

**Petition and Order for Action on Conditions of Pretrial Release**

Name of Defendant: **Bailey Dee Miles**Docket Number: **2:04-CR-00780-002-DB**Name of Judicial Officer: **Brooke C. Wells**Date of Release: **December 7, 2004**

FILED  
CLERK, U.S. DISTRICT COURT

FEB 11 P 4:05

BY: \_\_\_\_\_  
DEPUTY CLERK

**PETITIONING THE COURT**

☒ To issue a summons      1046 South Kimball Dr., Grantsville, UT 84029

**CAUSE**

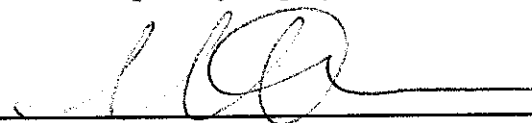
The pretrial services officer believes that the defendant has violated the conditions of supervision as follows:

**Allegation One:** Defendant submitted a urine sample on January 27, 2005, which tested positive for methamphetamine.


**Allegation Two:** Defendant failed to submit to a scheduled drug test on February 1, 2005.

**Allegation Three:** Defendant submitted a urine sample on February 15, 2005, which tested positive for methamphetamine.


I declare under penalty of perjury that the foregoing is true and correct



Mindy Eckman, U.S. Pretrial Services Officer

Date: February 15, 2005 

**THE COURT ORDERS:**

 ☒ The issuance of a Summons

☒ The issuance of a Warrant

☐ No action

☐ Other

  
Brooke C. Wells   
United States Magistrate Judge

Date: 17 Feb 2005

**48**

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00780

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Kirk C. Lusty, Esq.  
US POSTAL SERVICE  
LAW DEPT WE AREA  
9350 S 150 E #800  
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EMAIL

Wendy M. Lewis, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Gregory W. Stevens, Esq.  
2825 COTTONWOOD PKWY STE 500  
SALT LAKE CITY, UT 84121  
EMAIL

Mr. James A Valdez, Esq.  
466 S 400 E #102  
SALT LAKE CITY, UT 84111  
EMAIL

Mr. Michael W Jaenish, Esq.  
150 S 600 E #5C  
SALT LAKE CITY, UT 84102  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
/  
EMAIL

US Probation  
DISTRICT OF UTAH  
/  
EMAIL

# United States District Court District of Utah

FILED  
CLERK, U.S. DISTRICT COURT  
FEB 18 P 1:50  
FEDERAL JUDICIAL CENTER  
CLERK

UNITED STATES OF AMERICA

vs.

IGNACIO FARIAS

aka Ignacio Farias-Zuniga

aka Ramon Soto-Soto

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:04CR00349 BSJ

Plaintiff Attorney: Veda Travis

Defendant Attorney: Carlos A. Garcia

Atty: CJA \_\_\_ Ret \_\_\_ FPD X

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's USM No.: 11520-081

Defendant's Residence Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Country \_\_\_\_\_

02/16/05

Date of Imposition of Sentence

Defendant's Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Country \_\_\_\_\_

### THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☒ was found guilty on count(s)

COP 12/7/04 Verdict \_\_\_\_\_

I of the Indictment

I of the Indictment

### Title & Section

21 U.S.C. § 841(a)(1)

### Nature of Offense

Possession with Intent to Distribute Meth

### Count

Number(s)

I

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) II of the Indictment (is)(are) dismissed on the motion of the United States.

## SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

240 Months

Upon release from confinement, the defendant shall be placed on supervised release for a term of 10 years.

☐ The defendant is placed on Probation for a period of \_\_\_\_\_

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

32



Defendant: IGNACIO FARIAS  
Case Number: 2:04CR00349 DAK

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. If deported, the defendant shall not return to the United States without lawful permission.

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ \_\_\_\_\_, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
**No Fine Imposed**
- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:
- \_\_\_\_\_

#### **RESTITUTION**

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--------------------------------------

Defendant: IGNACIO FARIAS  
Case Number: 2:04CR00349 DAK

Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☐ Restitution is payable as follows:
- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
  - ☐ other: \_\_\_\_\_
- ☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5) (not to exceed 90 days after sentencing).
- ☐ An Amended Judgment in a Criminal Case will be entered after such determination

#### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☐ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

#### PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

#### DEPARTURE

The Court grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

#### RECOMMENDATION

- ☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:
- FCI in California or Arizona.** \_\_\_\_\_

#### CUSTODY/SURRENDER

- ☐ The defendant is remanded to the custody of the United States Marshal. \_\_\_\_\_

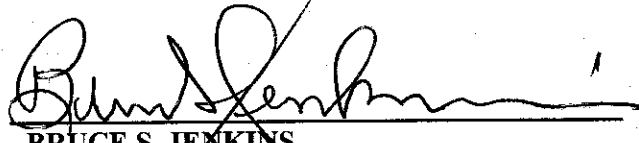
Defendant: IGNACIO FARIAS

Case Number: 2:04CR00349 DAK

☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.

☐ The defendant shall report to the institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE: 2/18/05

  
BRUCE S. JENKINS  
United States Senior District Judge

Defendant: IGNACIO FARIAS  
Case Number: 2:04CR00349 DAK

**RETURN**

I have executed this judgment as follows:

---

---

---

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00349

True and correct copies of the attached were either mailed, faxed or e-mailed  
by the clerk to the following:

Veda M. Travis, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Mr. Richard G MacDougall, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Carlos A. Garcia, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

**United States District Court  
for the District of Utah**

**Request and Order to Withdraw Warrant or Summons**

Name of Offender: **Jeremy Hooks**Docket Number: **2:01-CR-00263-001-DB-23**Name of Sentencing Judicial Officer: **Honorable Dee V. Benson**Date of Original Sentence: **January 30, 2002**Original Offense: **Possession of a Stolen Firearm**Original Sentence: **30 Months Probation**Type of Supervision: **Probation**Supervision Began: **January 30, 2002**

FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 18 11:23  
DISTRICT OF UTAH  
BY: \_\_\_\_\_  
DEPUTY CLERK

**PETITIONING THE COURT**

☒ To withdraw the warrant issued October 22, 2003, and to issue a summons

**CAUSE**

On October 22, 2003, a warrant was issued and lodged as a detainer, pursuant to a petition filed by the United States Probation Office. The petition alleges that Mr. Hooks violated the conditions of supervision by being arrested on October 16, 2003, for Sodomy of a Child and Lewdness of a Child.

On March 15, 2004, following his conviction for Sexual Abuse of Child, Mr. Hooks was sentenced in Third District Court, Salt Lake City, Utah. He was sentenced to serve one year in jail followed by 36 months probation. Contact with Agent Jerry Collins at the Utah Department of Corrections revealed that upon release from state custody, Mr. Hooks has been approved to reside at the Freemont Community Correctional Center for approximately one year where he will receive sex offender treatment. Mr. Hooks can enter the Freemont Community Correctional Center on March 1, 2005.

If the federal warrant which has been lodged as a detainer is not withdrawn, Mr. Hooks will be transferred from state custody to federal custody upon completion of his state sentence. According to Agent Collins, if that occurs, Mr. Hooks' space at the Freemont Community Correctional Center will be lost. It appears that having Mr. Hooks at Freemont participating in sex offender treatment is in his best interest and in the best interest of the community. Therefore, it is respectfully recommended that the warrant issued on October 22, 2003, be withdrawn and a summons be issued, pursuant to the petition filed on that same date.

This situation has been discussed with Stanley H. Olsen, Assistant United States Attorney. Mr. Olsen indicated that he has no objection to the warrant being withdrawn and a summons being issued.

Respectfully submitted,

by

*Shelley Mangum*

Shelley Mangum, United States Probation Officer

Date: February 16, 2005

**THE COURT ORDERS:**

- ☒ That the warrant issued October 22, 2003, be withdrawn and a summons be issued
- ☐ No action
- ☐ Other

*Dee Benson*

Honorable Dee V. Benson  
Chief United States District Judge

Date: 2/18/2005

69

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:01-cr-00263

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation  
DISTRICT OF UTAH

,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

Mr. Stanley H Olsen, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Rebecca C. Hyde, Esq.  
SNOW CHRISTENSEN & MARTINEAU  
10 EXCHANGE PLACE  
PO BOX 45000  
SALT LAKE CITY, UT 84145-5000  
EMAIL

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 22  
RECEIVED CLERK  
FEB 16 2005

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

ALONZO PORTILLO-SOLANO,

Defendant.

ORDER CONTINUING SENTENCING

Case No. 2:04CR712 DB

Based on the motion filed by the defendant and good cause appearing,

IT IS HEREBY ORDERED the sentencing be continued until the 9 day of

MARCH, 2005 at 2:00 PM a.m/p.m.

DATED this 18th day of February, 2005.

BY THE COURT:

*Dee Benson*

HONORABLE ~~DALE A. KIMBALL~~ *DEE BENSON*  
United States District Court Judge

15



United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00712

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. William L Nixon, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Carlos A. Garcia, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Viviana Ramirez, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

LOIS A. BAAR (3761)  
ELLEN KITZMILLER (7566)  
JANOVE BAAR ASSOCIATES, L.C.  
9 Exchange Place Suite 1112  
Salt Lake City, Utah 84111  
Telephone: (801) 530-0404  
Attorneys for Defendants

FILED  
CLERK, U.S. DISTRICT COURT

2005 FEB 18 P 1:23

DISTRICT OF UTAH

BY: DEPUTY CLERK

RECEIVED CLERK

FEB 17 2005

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

U.S. DISTRICT COURT

\* \* \* \* \*

JUDITH STAYSA,

Plaintiff,

vs.

BRIDGERLAND COMMUNITY ICE  
ARENA, INC., dba GEORGE S. ECCLES  
ICE CENTER, JANET BORG in her capacity  
as Manager of the George S. Eccles Ice  
Center, and DOES I-X,

Defendants.

Case No. 1:04CV00174

**ORDER OF DISMISSAL WITH  
PREJUDICE**

Judge Dee Benson

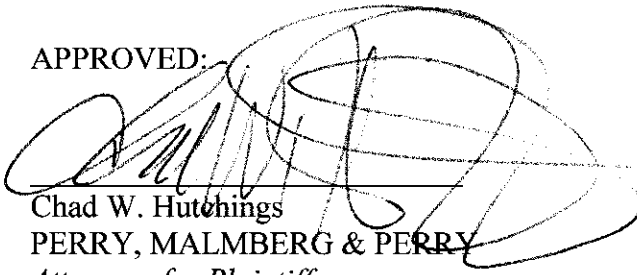
This matter comes before the Court on the stipulated motion filed by Plaintiff Judith Staysa and Defendants Bridgerland Community Ice Arena and Janet Borg to dismiss this civil action with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. Upon consideration of the foregoing stipulated motion, the Court concludes that the parties' joint request to dismiss this civil action with prejudice should be and hereby is GRANTED. Wherefore, it is hereby ORDERED that this civil action is dismissed with prejudice, with each side to bear their own costs and fees.

8

IT IS SO ORDERED THIS 18<sup>th</sup> day of February, 2005.

  
HONORABLE DEE BENSON  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
Chad W. Hutchings  
PERRY, MALMBERG & PERRY  
*Attorneys for Plaintiff*

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:04-cv-00174

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Ms. Jan P Malmberg, Esq.  
PERRY MALMBERG & PERRY  
99 N MAIN  
PO BOX 364  
LOGAN, UT 84323-0364  
EMAIL

Jathan W. Janove, Esq.  
JANOVE BAAR ASSOC  
9 EXCHANGE PL STE 1112  
SALT LAKE CITY, UT 84111  
EMAIL

Ms. Lois A. Baar, Esq.  
JANOVE BAAR ASSOC  
9 EXCHANGE PL STE 1112  
SALT LAKE CITY, UT 84111  
EMAIL

United States District Court  
District of Utah

---

Markus B. Zimmer  
Clerk of Court

Louise S. York  
Chief Deputy

February 22, 2005

In the matter of:

USA v. Sanchez-Torres

U.S. District Court Case Number: 2:04-CR-126-DB  
USCA Court Case Number: 04-4178

On 02/18/05, pursuant to the Order of the U.S. Court of Appeals for the Tenth Circuit, the Mandate in the above-cited case was filed and docketed.

Sincerely,

Markus B. Zimmer, Clerk

By: /S  
Aaron Paskins  
Appeal's Clerk

cc:  
Judge Dee Benson  
Counsel of Record

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00126

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. William L Nixon, Esq.  
US ATTORNEY'S OFFICE

/  
EMAIL

Michael S. Lee, Esq.  
US ATTORNEY'S OFFICE

/  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

/  
EMAIL

US Probation  
DISTRICT OF UTAH

/  
EMAIL

Carlos A. Garcia, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Scott Keith Wilson, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States District Court  
District of Utah

---

Markus B. Zimmer  
Clerk of Court

Louise S. York  
Chief Deputy

February 22, 2005

In the matter of:

USA v. Metcalfe

U.S. District Court Case Number: 2:04-CR-36-TC  
USCA Court Case Number: 04-4177

On 02/17/05, pursuant to the Order of the U.S. Court of Appeals for the Tenth Circuit, the Mandate in the above-cited case was filed and docketed.

Sincerely,

Markus B. Zimmer, Clerk

By: /S  
Aaron Paskins  
Appeal's Clerk

cc:  
Judge Tena Campbell  
Counsel of Record

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00036

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

David F. Backman, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Michael S. Lee, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Jamie Zenger, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Scott Keith Wilson, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL



United States District Court  
District of Utah

---

Markus B. Zimmer  
Clerk of Court

Louise S. York  
Chief Deputy

February 22, 2005

In the matter of:

USA v. Castrejon-Ortega

U.S. District Court Case Number: 2:03-CR-888-TC  
USCA Court Case Number: 04-4183

On 02/17/05, pursuant to the Order of the U.S. Court of Appeals for the Tenth Circuit, the Mandate in the above-cited case was filed and docketed.

Sincerely,

Markus B. Zimmer, Clerk

By: /S  
Aaron Paskins  
Appeal's Clerk

cc:  
Judge Tena Campbell  
Counsel of Record

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cr-00888

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Dustin B. Pead, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Michael S. Lee, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Vanessa M. Ramos-Smith, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Carlos A. Garcia, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Scott Keith Wilson, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

Larry R. Laycock (A4868)  
David R. Wright (A5164)  
C.J. Veverka (A7110)  
Tige Keller (A9110)  
WORKMAN NYDEGGER  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707

Attorneys for Plaintiff

RECEIVED  
CLERK, U.S. DISTRICT COURT  
FEB 13 P 2:47  
JUDGE T. CAMPBELL  
BY: [Signature]  
DEPUTY CLERK RECEIVED CLERK  
FEB 16 2005  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF UTAH  
(CENTRAL DIVISION)

LIFETIME PRODUCTS, INC., a Utah  
corporation,

Plaintiff,

vs.

CORRELL, INC., a Missouri corporation

Defendant.

~~PROPOSED~~ ORDER OF  
COMPROMISE AND DISMISSAL  
WITH PREJUDICE

Case No.: 2:02 CV 01366 TC

Judge Tena Campbell  
Magistrate David Nuffer

In this case came Lifetime Products, Inc., and Correll, Inc. (the "Parties"), by and through counsel, and made it known to the Court that all matters, issues and controversies by and between them have been compromised and settled out of Court, said compromise and settlement including a settlement agreement, and that, by virtue of said compromise and settlement agreement, all claims, causes of actions, and counterclaims filed or asserted in this action, or

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which could have been filed or asserted relating to claims or facts set forth in the pleadings filed herein, are subject to dismissal with prejudice.

It is therefore, ORDERED, ADJUDGED and DECREED that all claims, causes of actions, counterclaims and/or defenses filed or asserted in this action, or which could have been filed or asserted herein and which relate to claims or facts set forth in the pleadings filed herein, are hereby DISMISSED WITH PREJUDICE, in bar of the right of each of the Parties to reinstitute any of them, subject to the terms of the settlement agreement which is incorporated by reference herein.

It is further ORDERED that each party shall bear its own costs.

IT IS SO ORDERED.

Dated: February 18, 2005

By Tena Campbell  
Hon. Tena Campbell  
United States District Court Judge

Approved as to form and content

C.J. Veverka

**WORKMAN NYDEGGER**

Larry R. Laycock

David R. Wright

C.J. Veverka

Tige Keller

Attorneys for Plaintiff Lifetime Products, Inc.

Mark F. James

**HATCH, JAMES & DODGE**

Mark F. James

Kevin W. Bates

Attorneys for Defendant Correll, Inc.

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:02-cv-01366

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Mark F James, Esq.  
HATCH JAMES & DODGE  
10 W BROADWAY STE 400  
SALT LAKE CITY, UT 84101  
EMAIL

Mr. Larry R Laycock, Esq.  
WORKMAN NYDEGGER  
1000 EAGLE GATE TOWER  
60 E S TEMPLE  
SALT LAKE CITY, UT 84111  
EMAIL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 17 P 3:19

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

U.S. CYBERTRONICS, INC.,

Plaintiff,

vs.

MONARCH INTERNATIONAL  
HOLDINGS, INC.; GEARJOCKEY.COM,  
INC.; DANIEL ANDERSON; DALE  
JONES; GORDON LEWIS; SHERRY  
LEWIS BROWN (aka SHERRY LEWIS);  
JOE PREIGNITZ; NICK PIZZO; JOHN  
DOES 1-5,

Defendants.

ORDER

Case No. 2:05-CV-48 TC

This matter is before the court on Defendants' Motion and Memorandum in Support Thereof to Terminate Temporary Restraining Order and to Issue Order to Return Server. In addition, Plaintiff just submitted an "Amended Affidavit of Glenn Blake in re: Refuting Alleged Amounts as Presented by Nicholas Pizzio, as President of GearJockey.com, in his Affidavit in re: What Defendants Believe the Amount for a Bond Should be that Plaintiff Should be Ordered to Obtain."

Contrary to Defendants' interpretation of the court's February 10, 2005 Order, the court did not order that the stipulated temporary restraining order continue indefinitely. Accordingly, the court now clarifies that the TRO is no longer in place. No preliminary injunction has issued because Plaintiff has not posted the required bond amount of \$12,000.00 and has not returned the

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server to Defendants.

The court's order to the Plaintiff to return the server, see Feb. 3, 2005 Order at ¶ 5, still stands. Accordingly, the Defendants' request for another order to Plaintiff to return the server is not necessary. Defendants' Motion is DENIED AS MOOT.

However, Plaintiff is ORDERED TO SHOW CAUSE WITHIN 10 DAYS OF THIS ORDER why it has not complied with the court's order to return the server to the Defendants. If good cause is not demonstrated, the court will find Plaintiff in contempt.

As for Mr. Blake's amended affidavit, it is untimely and the court will not consider it.

IT IS SO ORDERED this 17 day of February, 2005.

BY THE COURT:

A handwritten signature in cursive script, appearing to read "Tena Campbell".

TENA CAMPBELL  
United States District Judge

alt

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cv-00048

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Philip J. Hardy, Esq.  
470 E 3900 S STE 203  
SALT LAKE CITY, UT 84107  
EMAIL

Mr. Roy B Moore, Esq.  
ROY B MOORE PC & ASSOCIATES  
428 E WINCHESTER ST STE 140  
MURRAY, UT 84107  
EMAIL



United States District Court  
District of Utah

Markus B. Zimmer  
Clerk of Court

Louise S. York  
Chief Deputy

February 22, 2005

Mr. Patrick Fisher, Clerk  
United States Court of Appeals  
for the Tenth Circuit  
1823 Stout Street  
Denver, CO 80257

RE: RECORD ON APPEAL  
USA v. Calderon -- 05-4011  
Lower Docket: 2:04-CR-256-TC

Dear Mr. Fisher:

We hand you herewith, by FedEx mail, Volumes I-II of the record on appeal in the above-referenced case.

Volume:	Contents:
I.	Consisting of designated documents 1, 36, 38, 43-46, 50-51.
II.	Consisting of SEALED pre-sentence report.

Please acknowledge receipt of this record on appeal by signing the enclosed copy of this letter and returning it to my attention.

Sincerely,

Markus B. Zimmer, Clerk

By: /S  
Aaron Paskins  
Appeals Clerk

cc: Counsel of Record

FedEx Mail Receipt No.: 7904 3377 0885

**ACKNOWLEDGMENT OF RECEIPT:**

**Received by:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**55**

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00256

True and correct copies of the attached were either mailed, faxed or e-mailed  
by the clerk to the following:

Robert A. Lund, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Robert Breeze, Esq.  
402 E 900 S #1  
SALT LAKE CITY, UT 84111  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

(Area Code and Main Office Number)

Business Address: Cage Williams Abelman & Layden, P.C.  
(Firm/Business Name)  
1433 17<sup>th</sup> Street Denver CO 80202  
Street City State Zip

**BAR ADMISSION HISTORY**

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
<u>The Supreme Court of the State of Colorado</u>	<u>- CBN #15304</u>	<u>1985</u>
<u>The U.S. District Court for the District of Colorado</u>		<u>1985</u>
<u>The Supreme Court of the State of Nebraska</u>	<u>- NBN #22802</u>	<u>March 2004</u>
<u>The U.S. District Court for the District of Nebraska</u>		<u>2004</u>
<u>The Supreme Court of the State of Oklahoma</u>	<u>- OBN #20137</u>	<u>May 2004</u>
<u>The Supreme Court of the State of Minnesota</u>	<u>- MBN #033604X</u>	<u>October 2004</u>
<u>The Supreme Court of the State of North Dakota</u>	<u>- NDBN #06012</u>	<u>June 2004</u>
<u>The Supreme Court of the State of Utah</u>	<u>- UBN #10009</u>	<u>February 2004</u>

(additional space is needed, attach separate sheet.)

**PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT**

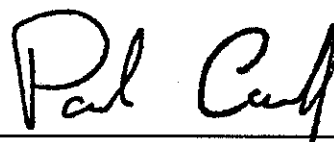
CASE TITLE	CASE NUMBER	DATE OF ADMISSION
	<u>NONE</u>	

(If additional space is needed, attach a separate sheet.)

**ORDER OF ADMISSION**

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 17<sup>th</sup> day of February, 20 15.

  
\_\_\_\_\_  
U.S. District Judge

tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cv-00001

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Craig Smay, Esq.  
174 E SO TEMPLE  
SALT LAKE CITY, UT 84111  
EMAIL

Mr. Richard M. Hymas, Esq.  
NIELSEN & SENIOR  
5217 S STATE ST STE 400  
SALT LAKE CITY, UT 84107  
EMAIL

Mark Wilson Williams, Esq.  
CAGE WILLIAMS ABELMAN & LAYDEN  
1433 17TH ST  
DENVER, CO 80202

FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 17 P 3:33  
DISTRICT OF UTAH

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FEB 16 2005  
U.S. DISTRICT COURT

PAUL M. WARNER, ~~United States Attorney~~, (#3389)  
LANA TAYLOR, ~~Special Assistant United States Attorney~~ (# 7642)  
Attorneys for the United States of America  
348 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 524-4156

RECEIVED  
FEB 17 2005  
OFFICE OF  
JUDGE PAUL G. CASSELL

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	<b>ORDER TOLLING TIME UNDER THE</b>
	:	<b>SPEEDY TRIAL ACT</b>
Plaintiff,	:	
	:	
vs.	:	Case No. 1:04CR00156
	:	
JAVIER L. ROJAS,	:	Judge Paul G. Cassell
Defendant.	:	
	:	
	:	

The parties appeared before the Court for a Scheduling Conference on February 10, 2005. At that time the Defendant's counsel, Robert Hunt, withdrew, and Don Sharp, entered his appearance of counsel for the Defendant. Defendant's counsel indicated that he intended to file a motion to suppress and the court ordered a briefing schedule.

THEREFORE IT IS HEREBY ORDERED that all time between December 20, 2004 and April 14, 2005, is tolled under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(1)(F) based upon Defendant's motion to suppress.

21

The Court specifically finds that the ends of justice will be served by the granting of such continuance and that such action outweighs the best interest of the public and defendant in a speedy trial.

DATED this 17th day of February, 2005

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. G. Casell', is written over a horizontal line.

JUDGE PAUL G. CASSELL  
UNITED STATES DISTRICT COURT

tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:04-cr-00156

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Lana Taylor, Esq.  
DRUG ENFORCEMENT ADMINISTRATION  
METROPOLITAN NARCOTICS TASK FORCE  
348 E SOUTH TEMPLE  
SALT LAKE CITY, UT 84111  
EMAIL

Viviana Ramirez, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Mr. Don Sharp, Esq.  
2491 WASHINGTON BLVD #200  
OGDEN, UT 84401  
JFAX 8,801,3932340

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL



Thomas M. Melton (4999)  
Karen L. Martinez (7914)  
Securities and Exchange Commission  
15 West South Temple, Suite 1800  
Salt Lake City, UT 84101  
Telephone: (801) 524-5796

FILED  
CLERK, U.S. DISTRICT COURT

2005 FEB 17 P 4:47

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

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JAN 31 2005

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

RECEIVED

FEB - 1 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

Case No. 2:98 CV 0562 PGC

**[PROPOSED] ORDER  
OF CONTEMPT AGAINST  
MICHAEL CARNICLE**

SECURITIES AND EXCHANGE  
COMMISSION

Plaintiff,

vs.

AUTOCORP EQUITIES, INC., MICHAEL  
CARNICLE, ROBERT CORD BEATTY,  
HILLEL SHER, AMOTZ FRENKEL AND  
NILI FRENKEL,

Defendants,

and

NILI FRENKEL,

Relief Defendant.

Judge Paul G. Cassell

Magistrate Judge Nuffer

The Court having review the Securities and Exchange Commission's ("Commission")  
Motion and Memorandum in Support of Motion for Contempt against Michael Carnicle  
("Defendant") and good cause appearing makes the following findings of fact:

1. The Commission filed a Complaint against Defendant on August 10, 1998.
2. On September 7, 2004, this Court issued an Amended Final Judgment as to Michael  
Carnicle which in part required Defendant to disgorge \$183,186.00 plus

153

prejudgment interest in the amount of \$203,008.94 with in ten business days of entry of the Final Judgment.

3. Defendant was served with the Final Judgment as to Michael Carnicle on January 13, 2005.
4. To date Defendant has failed to pay any of the disgorgement or prejudgment interest as ordered by this Court.

It appearing that the Court has jurisdiction over Defendant and the subject matter and being fully advised in the premises and there being no just reason for delay:

**I.**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Defendant is in direct violation of the Final Judgment as to Michael Carnicle entered by this Court on September 7, 2004 and as such Defendant is in Contempt of Court.

**II.**

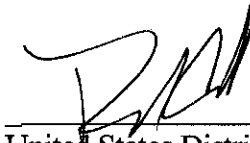
**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendant, within <sup>14</sup>~~ten~~ business days of the entry of this Order, shall pay \$386,194.94 to the clerk of the court together with a cover letter identifying Carnicle as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court and specifying that final payment is made pursuant to the Final Judgment. Defendant shall simultaneously transmit photocopies of such payment and letters to the Commission's counsel in this action. By making these payments, Defendant relinquishes all right, title, and interest in such funds, and no part of the funds shall be returned to the Defendant.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
in the event Defendant fails to comply with this Order within <sup>14</sup>~~10~~ days Defendant will  
be incarcerated until he complies in full.

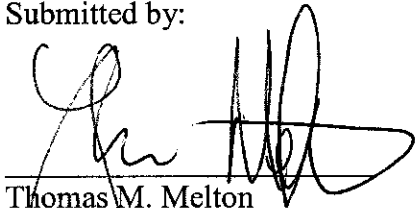
or provide a reasonable  
explanation for his action,

DATED this 17th day of February, 2005



United States District Court Judge

Submitted by:



Thomas M. Melton  
Karen L. Martinez  
Attorneys for Plaintiff  
Securities and Exchange Commission

# CERTIFICATE OF SERVICE

I hereby certify that on this 31<sup>st</sup> day of January, 2005 I caused a true and correct copy of the accompanying proposed Order of Contempt against Michael Carnicle, prepaid postage upon the following:

James N. Barber, Esq.  
50 West Broadway, #100  
Salt Lake City, UT 84101

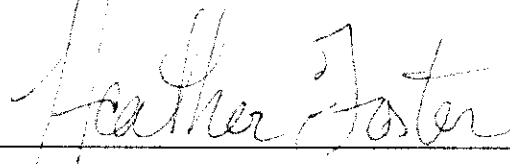
Amotz Frenkel  
Nili Frenkel  
6355 Smoke Tree Ave  
Oak Park, CA 91377

Mark Griffin, Esq.  
Woodbury & Kessler  
265 East 100 South  
Suite 300  
Salt Lake City, UT 84111

Debbie Benasaraf, Esq.  
Shapiro & Shapiro  
788 East 18<sup>th</sup> Street  
Brooklyn, NY 11230

Michael Carnicle  
9210 Golden Feather Court  
Las Vegas NV 89147

Robert Cord Beatty  
480 East 6400 South, Suite 230  
Salt Lake City, Utah 84107

  
\_\_\_\_\_  
The signature is written in cursive and appears to read 'Heather Foster'.

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:98-cv-00562

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mark J. Griffin, Esq.  
WOODBURY & KESLER  
265 E 100 S STE 300  
SALT LAKE CITY, UT 84111  
EMAIL

Michael Carnicle  
C/O JAMES N BARBER, ESQ  
50 W BROADWAY #100  
SALT LAKE CITY, UT 84101

Mr. Thomas M Melton, Esq.  
SECURITIES AND EXCHANGE COMMISSION  
15 W SOUTH TEMPLE STE 1800  
SALT LAKE CITY, UT 84101  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

2005 FEB 17 P 4:47 RECEIVED CLERK

DISTRICT OF UTAH FEB 14 2005

BY: \_\_\_\_\_  
DEPUTY CLERK U.S. DISTRICT COURT

Douglas B. Cannon, A4287  
Gregory M. Saylin, A9648  
FABIAN & CLENDENIN,  
A Professional Corporation  
215 South State Street, Suite 1200  
P.O. Box 510210  
Salt Lake City, Utah 84151  
Telephone: (801) 531-8900  
Attorneys for Plaintiff

**RECEIVED**

FEB 16 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

MICHAEL A. HENRIE,

Plaintiff,

v.

NORTHROP GRUMMAN CORPORATION  
fka NORTHROP CORPORATION,  
NORTHROP GRUMMAN SYSTEMS  
CORPORATION, and NORTHROP  
GRUMMAN INFORMATION  
TECHNOLOGY, INC., and LORTZ  
MANUFACTURING COMPANY,

Defendants.

**ORDER GRANTING EXTENSION  
FOR PLAINTIFF TO RESPOND  
TO NORTHROP GRUMMAN  
CORPORATION'S MOTION FOR  
SUMMARY JUDGMENT**

Case No. 2:04 CV 00296

Judge Paul G. Cassell

Based upon the Joint Motion and Stipulation of the parties,

IT IS HEREBY ORDERED that plaintiff is allowed an additional thirty (30) days to  
respond to Northrup Grumman Corporation's Motion for Summary Judgment.

**SO ORDERED**

  
PAUL G. CASSELL  
United States District Judge

Date

2/17/05

18

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00296

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Douglas B Cannon, Esq.  
FABIAN & CLENDENIN  
215 S STATE STE 1200  
PO BOX 510210  
SALT LAKE CITY, UT 84151  
EMAIL

Mr. Jeffrey W Shields, Esq.  
JONES WALDO HOLBROOK & MCDONOUGH  
170 S MAIN ST STE 1500  
PO BOX 45444  
SALT LAKE CITY, UT 84145-0444  
EMAIL

Mr. Michael P Zaccheo, Esq.  
RICHARDS BRANDT MILLER & NELSON  
50 S MAIN ST STE 700  
PO BOX 2465  
SALT LAKE CITY, UT 84110  
EMAIL

FEB 10 2005  
OFFICE OF  
JUDGE PAUL G. CASSELL

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CLERK, U.S. DISTRICT COURT  
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FEB - 9 2005  
BY: [Signature]  
U.S. DISTRICT COURT  
CLERK

[Ancillary to a Proceeding in the United States District Court for the Central District of California]

Defendants.

**[Ancillary to U.S. District Court  
Receivership No. 03-2702 -Originating in  
the Central District of California]**

The Court, having reviewed the Ancillary Receiver's application for tender of recovered bank account proceeds to the principal receiver finds that there is good and sufficient basis for allowance

37



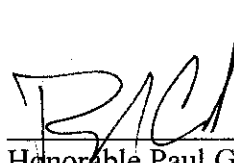
of such application and now makes and enters the following ex. parte order pursuant to that application.

IT IS ORDERED, ADJUDGED AND DECREED:

1. The appointed Ancillary Receiver before this court is herewith allowed to endorse the recovered proceeds check drawn on Zion's First National Bank in the amount of \$7,891.88 as recovered from the subject account of Beverly Hills Estates Funding and to forward such proceeds check to the principal receiver, Mr. David J. Pasternak, in the principal receivership action in the Central District of California, Civil No.: 03-2702-DDP.
2. The court determines that such account was duly subject to the rights of the Receivership to recover proceeds pursuant to the original appointment of the receiver and the Ancillary Receiver in the State of Utah and that this order is made and granted in accordance with the earlier Ancillary Receivership Order.

DONE, this 17<sup>th</sup> day of February, 2005.

By the Court:



---

Honorable Paul G. Cassell,  
United States District Judge

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00612

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Julian D Jensen, Esq.  
311 S STATE ST STE 380  
SALT LAKE CITY, UT 84111  
JFAX 9,5213731

CLERK, U.S. DISTRICT COURT

FEB 12 10 03

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FEB 17 2005

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLISSA SIREECH,

Defendant.

ORDER TO CONTINUE  
JURY TRIAL

Case No. 2:04-CR-601 DKW

Based on the motion to continue trial filed by Defendant in the above-entitled case, and good cause appearing,

It is hereby ORDERED that the 5-day trial previously scheduled to begin March 7, 2005, is hereby continued to the 25<sup>th</sup> day of April, 2005, at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date set forth in paragraph one above is excluded from speedy trial computation.

DATED this 19<sup>th</sup> day of February, 2005.

BY THE COURT:

*David K. Winder*

DAVID K. WINDER  
United States Senior District Court Judge

25

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00601

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Ms. Barbara Bearnson, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Michele M. Christiansen, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Vanessa M. Ramos-Smith, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

FEB 22 A 10 03

CLERK, U.S. DISTRICT COURT

CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CANDACE REED,

Defendant.

**ORDER TO CONTINUE  
EVIDENTIARY HEARING**

Case No. 2:04-CR-336 DKW

Based on the motion to continue the evidentiary hearing on motion to suppress filed by Defendant in the above-entitled case, and good cause appearing,

IT IS HEREBY ORDERED that the evidentiary hearing previously scheduled for February 22, 2005, at 9:00 a.m., is hereby continued to the 22nd day of March, 2005, at 9:30 a.m.

Dated this 20 day of February, 2005.

BY THE COURT:

*David K. Winder*

DAVID K. WINDER  
United States Senior District Judge

32

jmr

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00336

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Richard D McKelvie, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Mr. Fred Metos, Esq.  
10 W BROADWAY STE 650  
SALT LAKE CITY, UT 84101  
EMAIL

Jamie Zenger, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

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FEB 10 2005

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FEB 10 2005

IN THE UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH EDWARD SLATER,

Defendant.

**SECOND  
ORDER TO CONTINUE  
JURY TRIAL**

Case No. 2:04-CR-471 DKW

Based on the motion to continue trial filed by Defendant in the above-entitled case, and good cause appearing,

It is hereby ORDERED that the 2-day trial previously scheduled to begin March 2, 2005, is hereby continued to the 2nd day of May, 2005, at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date set forth in paragraph one above is excluded from speedy trial computation.

DATED this 20 day of February, 2005.

BY THE COURT:

*David K. Winder*

DAVID K. WINDER

United States Senior District Court Judge

37

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00471

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Vernon G. Stejskal, Esq.  
DRUG ENFORCEMENT ADMINISTRATION  
METROPOLITAN NARCOTICS TASK FORCE  
348 E SOUTH TEMPLE  
SALT LAKE CITY, UT 84111  
EMAIL

Vanessa M. Ramos-Smith, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Robert Breeze, Esq.  
402 E 900 S #1  
SALT LAKE CITY, UT 84111  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL



FILED  
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2005 FEB 22 A 3:03

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

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FEB 17 2005

U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELEASAR BARRAZA-CEBREROS,

Defendant.

ORDER GRANTING MOTION TO  
WITHDRAW AS COUNSEL

Case No. 2:04CR714 DKW

This matter has been reviewed by the Court on a Motion to Withdraw as Counsel filed by Viviana Ramirez, Assistant Federal Defender; the Court being fully advised and good cause appearing, IT IS HEREBY ORDERED:

Viviana Ramirez, Assistant Federal Defender, is hereby granted leave to withdraw as counsel of record for Defendant.

Dated this 19 day of February, 2005.

BY THE COURT:

*David K. Winder*

DAVID K. WINDER  
United States District Court Judge

18

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00714

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. William L Nixon, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Antonio J. Velez, Esq.  
311 S STATE STE 380  
SALT LAKE CITY, UT 84111  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

Viviana Ramirez, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

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FEB 18 2005 FILED  
CLERK, U.S. DISTRICT COURT  
U.S. DISTRICT COURT

STANLEY J. PRESTON (A4119)  
CAMILLE N. JOHNSON (A5494)  
JUDITH D. WOLFERTS (A7023)  
SNOW, CHRISTENSEN & MARTINEAU  
Attorneys for Defendant Sandy City Corporation  
10 Exchange Place, Eleventh Floor  
Post Office Box 45000  
Salt Lake City, UT 84145  
Telephone: (801) 521-9000

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

BRENT BOWLES and GARIE ANGLESEY,

Plaintiffs,

vs.

SANDY CITY, a municipal corporation,

Defendant.

~~(PROPOSED)~~ ORDER GRANTING  
DEFENDANT'S MOTION FOR AN  
EXTENSION OF TIME TO RESPOND TO  
PLAINTIFFS' REQUESTS FOR  
ADMISSIONS

Case No. 2:04-CV-486

Judge Ted Stewart

Magistrate Judge Brooke C. Wells

---

This matter is before the Court on defendant Sandy City's Motion Requesting an Extension of Time to Respond to Plaintiff's Requests for Admissions ("Requests"). The Requests were served on defendant January 19, 2005, and defendant's response to the Requests accordingly is due February 22, 2005. Defendant filed this Motion on February 18, 2005, so that the time for defendant to respond to the Requests had not expired at the time the Motion was filed.

Having considered defendant's Motion, and for good cause appearing, the Court  
HEREBY ORDERS that defendant Sandy City's Motion requesting an extension of time to and

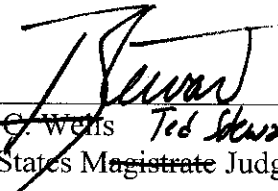
18

through March 24, 2005, in which to respond to plaintiff's Requests for Admission is  
GRANTED.

DATED this 22<sup>nd</sup> day of February, 2005.

BY THE COURT:

By

  
Brooke C. Wells Ted Stewart  
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached **(PROPOSED) ORDER GRANTING DEFENDANT'S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' REQUESTS FOR ADMISSIONS**, was served by mailing, postage prepaid, on the 18<sup>th</sup> day of February, 2005, upon the following:

Brent Bowles (pro se)  
186 Hobblecreek Canyon  
Springville, UT 84663

Garie Anglesey (pro se)  
11220 South Foxmoor Drive  
Sandy, UT 84092

  
\_\_\_\_\_

jmr

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00486

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Brent Bowles  
186 HOBBLECREEK CANYON  
SPRINGVILLE, UT 84663

Stanley J. Preston, Esq.  
SNOW CHRISTENSEN & MARTINEAU  
10 EXCHANGE PLACE  
PO BOX 45000  
SALT LAKE CITY, UT 84145-5000  
EMAIL

STEVEN B. KILLPACK, Federal Defender (#1808)  
HENRI SISNEROS, Assistant Federal Defender (#6653)  
Attorneys for Defendant  
Utah Federal Defender Office  
46 West 300 South, Suite 110  
Salt Lake City, Utah 84101  
Telephone: (801) 524-4010

FILED  
CLERK OF DISTRICT COURT  
FEB 22 10 02 AM  
BY: [Signature]  
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FEB 17 2005

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIS MAX LESTER,

Defendant.

**ORDER TO CONTINUE  
JURY TRIAL**

Case No. 2:04CR-280 TS

Judge Stewart

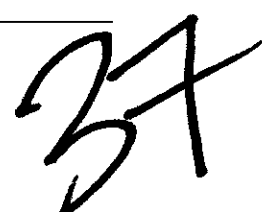
Based upon the motion of the Defendant, WILLIS MAX LESTER, through his attorney of record, HENRI SISNEROS, the Court hereby continues the trial date currently set for February 23, 2005, in the above-entitled matter to the 6<sup>th</sup> day of April, 2005, at 8:30 a.m.

Pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 (h)(8)(A), the Court finds that the ends of justice served by a continuance in this case outweighs the interests of the public and the Defendant in a speedy trial.

Dated this 22<sup>nd</sup> day of February, 2005.

BY THE COURT:

  
HONORABLE TED STEWART  
United States District Court Judge



jmr

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00280

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Ms. Barbara Bearnson, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Henri R. Sisneros, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL



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FEB 15 2005

U.S. DISTRICT COURT

FEB 22 A 10:02

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FEB 17 2005

BROOKE C. WELLS  
U.S. MAGISTRATE

Randy B. Birch (4197)  
Robert K. Reynard (9480)  
BOSTWICK & PRICE, P.C.  
139 East South Temple, #320  
Salt Lake City, Utah 84111  
Telephone: (801) 961-7400  
Facsimile: (801) 961-7406  
*Attorneys for Defendants*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

BASIC RESEARCH LLC, ET AL.,

Plaintiffs,

vs.

BODYWORX.COM, INC. and JPC  
ENTERPRISES, LLC d/b/a CUTTING  
EDGE FITNESS, ET AL.,

Defendants.

ORDER

Civil No. 2:03-CV-00908 TS

Magistrate Judge Brooke Wells

GOOD CAUSE HAVING BEEN SHOWN and based upon Defendants' Stipulated Motion to File Documents Under Court Seal, the Court having reviewed the pleadings on file now rules as follows: Defendants' Stipulated Motion to File Documents Under Court Seal is hereby granted.

IT IS HEREBY ORDERED, that a protective order be permitted and Defendants be allowed to file certain documents under seal, due to the sensitive nature of those documents, in relation to Defendants' Motion for Continuance.

DATED this 22<sup>nd</sup> day of February, 2005.

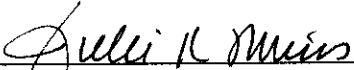
BY THE COURT:

Honorable Judge Ted Stewart

172

APPROVED AS TO FORM AND CONTENT:

**MORRISS O'BRYANT COMPAGNI, P.C.**

  
\_\_\_\_\_  
Julie K. Morris  
Frank W. Compagni

**CERTIFICATE OF SERVICE**

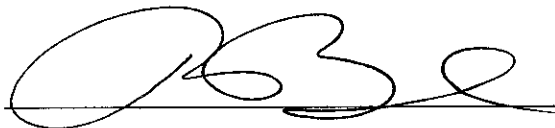
I, the undersigned, certify that on the 15 day of February, 2005, I caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below, in accordance with the Rules of Civil Procedure, to the following persons:

Irwin R. Gilbert  
Joel B. Rothman  
GILBERT ROTHMAN, P.L.  
1601 Belvedere Road, Suite 110E  
West Palm Beach, Florida 33406

U.S. Mail	<input checked="" type="checkbox"/>
Facsimile	<input type="checkbox"/>
Hand delivered	<input type="checkbox"/>
Overnight Mail	<input type="checkbox"/>

Julie K. Morris  
Frank W. Compagni  
MORRISS O'BRYANT COMPAGNI, P.C.  
136 South Main Street, #700  
Salt Lake City, Utah 84101

U.S. Mail	<input type="checkbox"/>
Facsimile	<input type="checkbox"/>
Hand delivered	<input checked="" type="checkbox"/>
Overnight Mail	<input type="checkbox"/>

  
\_\_\_\_\_

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00908

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Julie Kathryn Morriss, Esq.  
MORRISS O'BRYANT COMPAGNI PC  
136 S MAIN #700  
SALT LAKE CITY, UT 84101

Irwin R. Gilbert, Esq.  
GILBERT & ROTHMAN  
1601 BELVEDERE RD STE 110E  
WEST PALM BEACH, FL 33406  
EMAIL

Mr. Gregory D Phillips, Esq.  
HOWARD PHILLIPS & ANDERSEN  
560 E 200 S STE 300  
SALT LAKE CITY, UT 84102  
EMAIL

Mr. Randy B Birch, Esq.  
BOSTWICK & PRICE  
139 E S TEMPLE STE 320  
SALT LAKE CITY, UT 84111  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

FEB 22, A 10 02

TOMSIC LAW FIRM, LLC.

Peggy A. Tomsic (3879)

Kristopher S. Kaufman (10117)

136 East South Temple, Suite 800

Salt Lake City, Utah 84111

Telephone: (801) 532-1995

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FEB 19 2003

Attorneys for Monarch Nutritional Laboratories, Inc.

IN THE UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT

FOR THE CENTRAL DISTRICT OF UTAH

METAGENICS, INC., a California  
Corporation,

Plaintiff,

v.

MONARCH NUTRITIONAL  
LABORATORIES, INC., a Utah  
Corporation; NUTRACEUTICAL  
INTERNATIONAL CORPORATION, a  
Delaware Corporation;  
NUTRACEUTICAL CORPORATION, a  
Delaware Corporation,

Defendants.

**ORDER OF DISMISSAL WITH  
PREJUDICE**

Civil No. 2-03-CV-97

Judge Ted Stewart

Magistrate Judge David Nuffer

Based upon the Joint Motion and Stipulation filed concurrently herewith by all the parties in the above-entitled action, the Court being fully advised in the premises, and with good cause appearing therefor,

79

IT IS HEREBY ORDERED that the above-entitled action and all claims and causes of action therein be and the same are hereby dismissed with prejudice and on the merits, with each party to bear its own costs.

ENTERED this 22<sup>nd</sup> day of February, 2005.

BY THE COURT:

  
\_\_\_\_\_  
Honorable Ted Stewart

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of February, 2005, a true and correct copy of the ORDER OF DISMISSAL WITH PREJUDICE was mailed, postage prepaid, to the following:

Ralph C. Petty  
10 West Broadway, Suite 800  
Salt Lake City, Utah 84101

  
\_\_\_\_\_

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00097

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Ralph C Petty, Esq.  
10 W BROADWAY STE 800  
SALT LAKE CITY, UT 84101  
EMAIL

Ms. Peggy A Tomsic, Esq.  
TOMSIC LAW FIRM LLC  
136 E SO TEMPLE #800  
SALT LAKE CITY, UT 84111  
EMAIL

Kristopher S. Kaufman, Esq.  
TOMSIC LAW FIRM LLC  
136 E SO TEMPLE #800  
SALT LAKE CITY, UT 84111

Marc T. Rasich (9279)  
David L. Mortensen (8242)  
STOEL RIVES LLP  
201 South Main Street  
Salt Lake City, Utah 84111  
Telephone: (801) 328-3131  
Facsimile: (801) 578-6999

John C. Rawls (Admitted *pro hac vice*)  
Casandra C. Furey (Admitted *pro hac vice*)  
FULBRIGHT & JAWORSKI L.L.P.  
865 South Figueroa Street, 29th Floor  
Los Angeles, California 90017  
Telephone: (213) 892-9200  
Facsimile: (213) 680-4518

Attorneys for Defendants  
NATURE'S SUNSHINE PRODUCTS, INC.  
and SYNERGY WORLDWIDE, INC.

FILED  
CLERK, U.S. DISTRICT COURT  
FEB 22 AM 10:03  
JULIA L. HARRIS  
CLERK

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FEB 17 2005

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

NEWAYS, INC., a Utah corporation,

Plaintiff,

vs.

NATURE'S SUNSHINE, INC., a Utah  
corporation, NATURE'S SUNSHINE, INC. as  
and through its wholly owned SYNERGY  
WORLDWIDE division, and ADVANTAGE  
MARKETING, INC., a Utah corporation,

Defendants.

Case No.: 2:04 CV00243 TS

**ORDER GRANTING DISMISSAL  
WITH PREJUDICE**

Judge: Hon. Ted Stewart

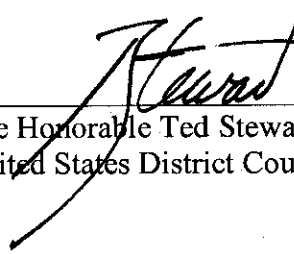
58



Plaintiff Neways, Inc. and defendants Nature's Sunshine Products, Inc. (incorrectly named as Nature's Sunshine, Inc.), Synergy Worldwide, Inc. (incorrectly named as Nature's Sunshine, Inc. as and through its wholly owned Synergy Worldwide division) and Advantage Marketing, Inc. having compromised their claims and having filed with the Court a stipulation for dismissal with prejudice,

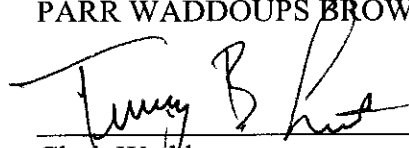
IT IS HEREBY ORDERED BY THE COURT that the above-captioned action is DISMISSED WITH PREJUDICE in its entirety, with each party to bear its own costs.

Dated this 22<sup>nd</sup> day of February 2004.

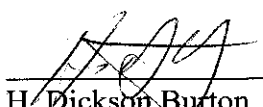
  
The Honorable Ted Stewart  
United States District Court Judge

APPROVED AS TO FORM AND CONTENT:

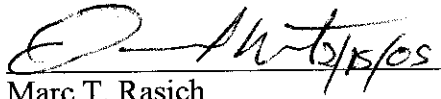
PARR WADDOUPS BROWN GEE & LOVELESS

  
Clark Waddoups  
Jeffery J. Hunt  
Timothy B. Smith  
Counsel for Plaintiff Neways, Inc.

TRASKBRITT, P.C.

  
H. Dickson Burton  
Krista Weber Powell  
Counsel for Defendant  
Advantage Marketing, Inc.

STOEL RIVES LLP

A handwritten signature in dark ink, appearing to read 'M. T. Rasich', is written over a horizontal line.

Marc T. Rasich

David L. Mortensen

John C. Rawls (Admitted *pro hac vice*)

Cassandra C. Furey (Admitted *pro hac vice*)

FULBRIGHT & JAWORSKI L.L.P.

Counsel for Defendants

Nature's Sunshine Products, Inc. and

Synergy Worldwide, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **Order Granting Dismissal with Prejudice** to be served, hand delivered, on the 17<sup>th</sup> day of February 2005, to the following:

Jeffery J. Hunt  
Parr Waddoups  
185 South State Street  
Suite 1300  
Salt Lake City, Utah 84111

Dickson Burton  
TraskBritt  
230 South 500 East  
Suite 300  
Salt Lake City, Utah 84102

Ann Marie Liddell

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00243

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Marc T. Rasich, Esq.  
STOEL RIVES LLP  
201 S MAIN ST STE 1100  
SALT LAKE CITY, UT 84111-4904  
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John C. Rawls, Esq.  
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865 S FIGUEROA ST 29TH FL  
LOS ANGELES, CA 90017-2571  
EMAIL

Mr. H. Dickson Burton, Esq.  
TRASK BRITT PC  
230 S 500 E #300  
SALT LAKE CITY, UT 84102  
EMAIL

Jeffrey J. Hunt, Esq.  
PARR WADDOUPS BROWN GEE & LOVELESS  
185 S STATE ST STE 1300  
PO BOX 11019  
SALT LAKE CITY, UT 84147  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT  
FEB 22 10 30 AM '04

Michael Patrick O'Brien (USB #4894)  
**JONES WALDO HOLBROOK & McDONOUGH**  
170 South Main Street, Suite 1500  
Salt Lake City, Utah 84101  
Telephone: (801) 521-3200

Attorneys for Defendants *The Salt Lake Tribune*, Tom Baden, Tim Fitzpatrick, Ron Morris, Melissa Galbraith, Rhina Guidos, Glen Warchol and Tom Wharton

Jeffrey J. Hunt (USB #5855)  
David C. Reymann (USB #8495)  
**PARR WADDOUPS BROWN GEE & LOVELESS**  
185 South State Street, Suite 1300  
Salt Lake City, Utah 84111  
Telephone: (801) 532-7840

Attorneys for Defendants *The Deseret Morning News*, John Hughes, Marjorie Cortez, Tiffany Erickson, Elaine Jarvik and Jennifer K. Nii

---

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

---

INTERNATIONAL ASSOCIATION OF  
UNITED WORKERS UNION, *et al.*

Plaintiffs,

vs.

UNITED MINE WORKERS OF AMERICA,  
*et al.*,

Defendants.

: **ORDER GRANTING DEFENDANTS'**  
: **EX PARTE MOTION FOR LEAVE TO**  
: **FILE AN OVERLENGTH**  
: **MEMORANDUM**

:  
: Case No. 2:04CV00901

:  
: Judge Dee V. Benson  
:  
:

---

Having considered the *ex parte* Motion of Defendants *The Salt Lake Tribune*, Tom Baden, Tim Fitzpatrick, Ron Morris, Melissa Galbraith, Rhina Guidos, Glen Warchol and Tom Wharton, together with *The Deseret Morning News*, John Hughes, Marjorie Cortez, Tiffany Erickson, Elaine Jarvik and Jennifer K. Nii (hereafter collectively referred to as "Defendants") for leave to file an overlength Memorandum in Support of Defendants' joint Motion to Dismiss, and good cause appearing therefor,

IT IS HEREBY ORDERED that Defendants are granted leave of Court to file an overlength Memorandum in Support of Defendants' joint Motion to Dismiss totaling approximately 28 pages, exclusive of face sheet, table of contents, statements of issues and facts, and exhibits.

DATED this 10<sup>th</sup> day of February 2005.

BY THE COURT:

A handwritten signature in black ink, reading "Dee Benson", written over a horizontal line.

Honorable Dee V. Benson  
Chief Judge, U.S. District Court

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17 day of February 2005, a true and correct copy of the foregoing **ORDER GRANTING DEFENDANTS' EX PARTE MOTION FOR LEAVE TO FILE AN OVERLENGTH MEMORANDUM** was served, via U.S. Mail, postage prepaid (unless otherwise noted), on the following:

F. Mark Hansen  
F. MARK HANSEN, P.C.  
431 North 1300 West  
Salt Lake City, Utah 84116  
*(via hand-delivery)*

Carl E. Kingston  
3212 South State Street  
Salt Lake City, UT 84115  
*(via hand-delivery)*

Arthur F. Sandack  
8 East Broadway, Suite 510  
Salt Lake City, Utah 84111

Richard Rosenblatt  
RICHARD ROSENBLATT AND ASSOCIATES  
8085 E. Prentice  
Greenwood, Colorado 80111

Steven K. Walkenhorst  
UTAH ATTORNEY GENERAL'S OFFICE  
160 East 300 South, 6<sup>th</sup> Floor  
P.O. Box 140856  
Salt Lake City, Utah 84114-0856

Randy L. Dryer  
PARSONS BEHLE & LATIMER  
201 South Main, Suite 1800  
Salt Lake City, Utah 84111

Joseph E. Hatch  
5295 South Commerce Drive, Suite 200  
Murray, Utah 84107

Judith Rivlin  
UNITED MINE WORKERS OF AMERICA  
8315 Lee Highway  
Fairfax, Virginia 22031-2215

  
\_\_\_\_\_  
Jeffrey J. Hunt

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00901

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. F. Mark Hansen, Esq.  
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SALT LAKE CITY, UT 84116  
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SALT LAKE CITY, UT 84115  
JFAX 9,4873971

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PO BOX 11019  
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EMAIL

Mr. Steven K Walkenhorst, Esq.  
UTAH ATTORNEY GENERAL'S OFFICE  
LITIGATION UNIT  
160 E 300 S 6TH FL  
PO BOX 140856  
SALT LAKE CITY, UT 84114-0856  
EMAIL



Judith Rivlin (District of Columbia Bar No. 305797)  
United Mine Workers of America  
8315 Lee Highway  
Fairfax, Virginia 22031  
(703) 208-7180

Arthur F. Sandack (2854)  
8 East Broadway Ste 510  
Salt Lake City, Utah 84111  
(801) 532-7858

Attorneys for Defendants  
Cecil Roberts, Carlo Tarley, Mike Dalpiaz, Bob Butero,  
Robert Guilfoyle, Larry Huestis, Jim Stevenson, Dallas Wolf,  
and United Mine Workers of America, International Union

FILED  
CLERK, U.S. DISTRICT COURT  
FEB 22 A 10:26  
DISTRICT OF UTAH  
DEPUTY CLERK  
RECEIVED CLERK  
FEB 17 2005

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

International Association of United Workers  
Union; Ronald Elden Mattingly; Vickie  
Mattingly; Nevin Pratt; International  
Association United Workers Union, Local  
No. 1-02; Chris Grundvig; Dana Jenkins;  
Warren Pratt; F. Mark Hansen,

C. W. Mining Company, d/b/a Co-Op Mining  
Company; Earl Stoddard; Charles Reynolds;  
Dorothy Sanders; Wendell Owen; Ken Defa;  
Rodney Anderson; Robert Brown; Cyril  
Jackson; Jared Stephens; Freddy Stoddard;  
Jim Stoddard; Shain Stoddard; Ethan Tucker;  
Randy Defa; Kevin Peterson; Elden Stephens;  
Jose Ortega,

PLAINTIFFS

vs.

United Mine Workers of America; Cecil  
Roberts; Carlo Tarley; David Piaz; Mike  
Dalpiaz; Bob Butero; Robert Guilfoyle; Larry  
Huestis; Francisco Picado; Jim Stevenson;  
Dallas Wolf; Archie Archuleta;

(Caption continued next page)

ORDER GRANTING  
DEFENDANTS' MOTION TO  
FILE LENGTHY MEMORANDUM IN  
SUPPORT OF DEFENDANTS' RULE 12  
MOTION

Civil Action No. 2:04CV00901  
Honorable Dee Benson

24

Gerardo Aguilar; Ricardo Chavez; William (Bill) Estrada; Hector Flores; Natividad Flores; Daniel Hernandez; Guillermo Hernandez; Alyson Kennedy; Berthila Leon; Domingo Olivas; Celso Panduro; Rigo Rodriguez; Gonzalo Salazar; Jesus Salazar; Jose Juan Salazar; Ana Maria Sanchez; Samud Villa;

AFL-CIO; Andy Levin; AFL-CIO, Utah Chapter; Ed Mayne; AFSCME Council 6, AFL-CIO; Philadelphia Council AFL-CIO; Patrick Eiding;

Greater Southeastern Massachusetts Labor Council; Paper, Allied-Industrial, Chemical & Energy Workers International Union; Paper Allied-Industrial, Chemical and Energy Workers Local ; Local 14 United Automobile, Aerospace and Agricultural Implement Workers of America;

Socialist Workers Party; Norton Sandler; Roberto Villanueva; The Militant; Roger Calero; Argiris Malapanis; Guy Tremblay; Connie Allen; Luis Astorga; Katherine Bennett; Joel Britton; Anne Carrol; Becky Ellis; Guillermo Esquivel; Betsy Farley; Chris Hoeppepner; Michael Italie; Martin Koppel; Frank Miller; Pat Miller; Teri Moss; Anne Parker; Francisco Picado; Jay Ressler; Marco Antonio Rivera; Talmar Rosenfeld; Bernie Senter; Maggie Trowe; Karen Tyler; Maurice Williams;

(Caption continued next page)

Salt Lake Tribune Publishing Company, LLC  
d/b/a Salt Lake Tribune; Tom Baden; Tim  
Fitzpatrick; Ron Morris;  
Melissa Galbraith; Rhina Guidos; Corey  
Hilton; Pamela Manson; Steven Oberbeck;  
Glen Wharchol; Tom Wharton;

Deseret Morning News Marathon, LLC d/b/a  
Deseret Morning News; John Hughes;  
Marjorie Cortez; Tiffany Erickson; Elaine  
Jarvik; Jennifer K. Nii;

Jobs with Justice; Utah Coalition of Jobs with  
Justice; George Neckel;

Tapestry Against Polygamy; Rowenna  
Erickson; The Center for Public Education  
and Information on Polygamy; Carmen  
Thompson; Hans G. Ehrbar;

Does 1-200,

**DEFENDANTS**

**ORDER**

For good cause shown the above named Defendants' Motion is granted and Defendants United Mine Workers of America, International Union (UMWA), Mike Dalpiaz, Cecil Roberts, Carlo Tarley, Bob Butero, Robert Guilfoyle, Larry Huestis, Jim Stevenson and Dallas Wolf, may file a lengthy memorandum exceeding the 10 page limitation under Local Rule 7-1(e), and allowing that limitation to be increased to up to 25 pages, in support of the Rule 12 Motion it anticipates filing in response to the Complaint in this matter, on March 1, 2005.

Dated this 10<sup>th</sup> day of February, 2005.

BY THE COURT:

Dee Benson

United States District Court  
for the  
District of Utah  
February 22, 2005

kvs

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00901

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. F. Mark Hansen, Esq.  
431 N 1300 W  
SALT LAKE CITY, UT 84116  
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UTAH ATTORNEY GENERAL'S OFFICE  
LITIGATION UNIT  
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PO BOX 140856  
SALT LAKE CITY, UT 84114-0856  
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Richard Rosenblatt and Associates  
8085 E. Prentice  
Greenwood, Colorado 80111  
(303) 721-7399

Arthur F. Sandack (2854)  
8 East Broadway Ste 510  
Salt Lake City, Utah 84111  
(801) 532-7858

Attorneys for Defendants  
Ana Maria Sanchez, Jesus Salazar, Domingo Olivas,  
Guillermo Hernandez, Jose Juan Salazar,  
Natividad Flores, Hector Flores,  
William Estrada, Daniel Hernandez, Alyson Kennedy,  
Richardo Chavez, Berthila Leon,  
Celso Panduro, Rigo Rodriguez, Gonzalo Salazar

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

International Association of United Workers  
Union; Ronald Elden Mattingly; Vickie  
Mattingly; Nevin Pratt; International  
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No. 1-02; Chris Grundvig; Dana Jenkins;  
Warren Pratt; F. Mark Hansen,

C. W. Mining Company, d/b/a Co-Op Mining  
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Dorothy Sanders; Wendell Owen; Ken Defa;  
Rodney Anderson; Robert Brown; Cyril  
Jackson; Jared Stephens; Freddy Stoddard;  
Jim Stoddard; Shain Stoddard; Ethan Tucker;  
Randy Defa; Kevin Peterson; Elden Stephens;  
Jose Ortega,

PLAINTIFFS

vs.

(Caption continued next page)

ORDER GRANTING  
DEFENDANTS' MOTION TO  
FILE LENGTHY MEMORANDUM IN  
SUPPORT OF DEFENDANTS' RULE 12  
MOTION

Civil Action No. 2:04CV00901  
Honorable Dee Benson

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CLERK, U.S. DISTRICT COURT

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FEB 17 2005

U.S. DISTRICT COURT

25

United Mine Workers of America; Cecil Roberts; Carlo Tarley; David Piaz; Mike Dalpiaz; Bob Butero; Robert Guilfoyle; Larry Huestis; Francisco Picado; Jim Stevenson; Dallas Wolf; Archie Archuleta;

Gerardo Aguilar; Ricardo Chavez; William (Bill) Estrada; Hector Flores; Natividad Flores; Daniel Hernandez; Guillermo Hernandez; Alyson Kennedy; Berthila Leon; Domingo Olivas; Celso Panduro; Rigo Rodriguez; Gonzalo Salazar; Jesus Salazar; Jose Juan Salazar; Ana Maria Sanchez; Samud Villa;

AFL-CIO; Andy Levin; AFL-CIO, Utah Chapter; Ed Mayne; AFSCME Council 6, AFL-CIO; Philadelphia Council AFL-CIO; Patrick Eiding;

Greater Southeastern Massachusetts Labor Council; Paper, Allied-Industrial, Chemical & Energy Workers International Union; Paper Allied-Industrial, Chemical and Energy Workers Local ; Local 14 United Automobile, Aerospace and Agricultural Implement Workers of America;

Socialist Workers Party; Norton Sandler; Roberto Villanueva; The Militant; Roger Calero; Argiris Malapanis; Guy Tremblay; Connie Allen; Luis Astorga; Katherine Bennett; Joel Britton; Anne Carrol; Becky Ellis; Guillermo Esquivel; Betsy Farley; Chris Hoepfner; Michael Italic; Martin Koppel; Frank Miller; Pat Miller; Teri Moss; Anne Parker; Francisco Picado; Jay Ressler; Marco Antonio Rivera; Talmar Rosenfeld; Bernie Senter; Maggie Trowe; Karen Tyler; Maurice Williams;

(Caption continued next page)

Salt Lake Tribune Publishing Company, LLC  
d/b/a Salt Lake Tribune; Tom Baden; Tim  
Fitzpatrick; Ron Morris;  
Melissa Galbraith; Rhina Guidos; Corey  
Hilton; Pamela Manson; Steven Oberbeck;  
Glen Wharchol; Tom Wharton;

Deseret Morning News Marathon, LLC d/b/a  
Deseret Morning News; John Hughes;  
Marjorie Cortez; Tiffany Erickson; Elaine  
Jarvik; Jennifer K. Nii;

Jobs with Justice; Utah Coalition of Jobs with  
Justice; George Neckel;

Tapestry Against Polygamy; Rowenna  
Erickson; The Center for Public Education  
and Information on Polygamy; Carmen  
Thompson; Hans G. Ehrbar;

Does 1-200,

**DEFENDANTS**

For good cause shown the above named Defendants' Motion is granted and Defendants Defendants Ana Maria Sanchez, Jesus Salazar, Domingo Olivas, Guillermo Hernandez , Jose Juan Salazar, Natividad Flores, Hector Flores, William Estrada, Daniel Hernandez, Alyson Kennedy, Richardo Chavez, Berthila Leon, Celso Panduro, Rigo Rodriguez, Gonzalo Salazar may file a lengthy memorandum exceeding the 10 page limitation under Local Rule 7-1(e), and allowing that limitation to be increased to up to 25 pages, in support of the Rule 12 Motion it anticipates filing in response to the Complaint in this matter, on March 1, 2005.

Dated this 10th day of February, 2005.

BY THE COURT:

Dee Benson

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00901

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. F. Mark Hansen, Esq.  
431 N 1300 W  
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JFAX 9,4873971

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Jeffrey J. Hunt, Esq.  
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PO BOX 11019  
SALT LAKE CITY, UT 84147  
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UTAH ATTORNEY GENERAL'S OFFICE  
LITIGATION UNIT  
160 E 300 S 6TH FL  
PO BOX 140856  
SALT LAKE CITY, UT 84114-0856  
EMAIL



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 2005 FEB 22 10:25  
 FEB 17 2005  
 U.S. DISTRICT COURT  
 BY: [Signature]  
 DEPUTY CLERK

JOHN C. ROOKER - A6789  
 JAMES M. HUNNICUTT - A9341  
 ROOKER LATER & RAWLINS L.L.P.  
 215 SOUTH STATE STREET, SUITE 760  
 SALT LAKE CITY, UTAH 84111  
 TELEPHONE: 801.534.0800  
 FACSIMILE: 801.534.1203  
 ATTORNEYS FOR DEFENDANT

IN THE UNITED STATES DISTRICT COURT  
 IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

MONEYMART® EXPRESS, INC., A UTAH  
 CORPORATION

PLAINTIFF,

v.

AMERICAN LEGAL CORPORATION, A FLORIDA  
 CORPORATION,

DEFENDANT.

RULE 60(b) ORDER SETTING ASIDE  
 PRELIMINARY INJUNCTION AND  
 ORDER (DATED FEBRUARY 20, 2004)

CIVIL No. 2: 04-CV-00218

THE HONORABLE DEE BENSON

THIS MATTER came before the Court, the Honorable Dee Benson presiding, on August 12, 2004, pursuant to *Defendant's Verified Rule 60(b) Motion to Set Aside Preliminary Injunction, Rule 60(b) Motion to Set Aside Judgment (Dated February 20, 2004)*, and *Rule 62(b) Motion to Stay Proceedings to Enforce Judgment and Expedite Hearing on Motions*. Both parties appeared through their respective counsel, ANDERSON & KARRENBURG and HANKS, ROOKER & DENNING P.C. The Court having received and considered Defendant's motions, Plaintiff's *Memorandum in Opposition to Defendant's Rule 60(b) Motions to Set Aside Preliminary Injunction and Judgment*, and *Defendant's Reply Memorandum in Support of Rule 60(b) Motions to Set Aside Preliminary Injunction and Judgment*, having reviewed the file and all other relevant pleadings and documents therein, having received and considered oral argument from the parties' counsel, and otherwise being fully informed in the premises, does hereby ORDER, ADJUDGE and DECREE:

1. The Court's hearing on the merits of Defendant's Rule 60(b) motions renders Defendant's Rule 62(b) motion moot.
2. That *Defendant's Verified Rule 60(b) Motion to Set Aside Preliminary Injunction*

1 and Rule 60(b) Motion to Set Aside Judgment (Dated February 20, 2004) are hereby granted and  
2 the Preliminary Injunction and Judgment (Dated February 20, 2004) previously entered in the  
3 Third Judicial District, State of Utah are hereby set aside and vacated.

4 3. The parties shall continue to abide by the *Stipulation & Order Regarding Funds to*  
5 *be Held in Trust.*

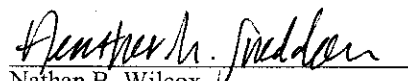
6 DATED this 22 day of February, 2004

7 UNITED STATES DISTRICT COURT

8   
9 The Honorable Dee Benson

10 APPROVED AS TO FORM & SUBSTANCE:

11 ANDERSON & KARRENBURG

12   
13 Nathan B. Wilcox  
14 Heather M. Sneddon  
15 Attorneys for Plaintiff

16   
17 ROOKER LATER & RAWLINS L.L.P.

18 John C. Rooker  
19 James M. Hunnicutt  
20 Attorneys for Defendant  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00218

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Thomas R Karrenberg, Esq.  
ANDERSON & KARRENBERG  
50 W BROADWAY STE 700  
SALT LAKE CITY, UT 84101  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

MARC JOHN LEWIS

Defendant(s),

PRETRIAL ORDER PURSUANT  
TO RULE 17.1 F.R.Cr.P.

Case No. 1:05-CR-12 DKW

The above-entitled action came on for pretrial conference **February 17, 2005**, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for **4/28/05**, (2 days) at **8:30 AM**. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge David K. Winder by **4/25/05** along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes   X   No       

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

10

3. Pretrial motions are to be filed by: 3/21/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/14/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.


7. All exhibits will be premarked before Judge David K. Winder's clerk before trial.

8. Other order and directions are: GOVERNMENT TO PROVIDE DISCOVERY BY 2/25/05.

9. Interpreter Needed: Yes ☐ No ☒ Language \_\_\_\_\_

DATED this 17<sup>th</sup> day of February, 2005.

BY THE COURT:

  
\_\_\_\_\_  
Samuel Alba  
Chief Magistrate Judge

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:05-cr-00012

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. William K McGuire, Esq.  
DAVIS COUNTY ATTORNEY'S OFFICE  
800 W STATE STREET  
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FARMINGTON, UT 84025  
EMAIL

Rhome D. Zabriski, Esq.  
3507 N UNIVERSITY AVE STE 150  
PROVO, UT 84604

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

FILED  
CLERK U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

JONATHAN WILLIAMS

Defendant(s),

PRETRIAL ORDER PURSUANT  
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-38 TS

The above-entitled action came on for pretrial conference **February 17, 2005**, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for **4/28/05**, (1 days) at **8:30 am**. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Ted Stewart by **4/25/05** along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes   X   No       

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

3. Pretrial motions are to be filed by: **3/15/05** at 5:00 p.m.

8

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/14/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

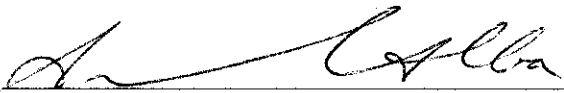
7. All exhibits will be premarked before Judge Ted Stewart's clerk before trial.

8. Other order and directions are:

9. Interpreter Needed: Yes ☐ No ☒ Language \_\_\_\_\_

DATED this 17<sup>th</sup> day of February, 2005.

**BY THE COURT:**

  
\_\_\_\_\_  
Samuel Alba  
Chief Magistrate Judge



United States District Court  
for the  
District of Utah  
February 22, 2005

jmr

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cr-00038

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Robert A. Lund, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Mr. Richard G MacDougall, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

2005 FEB 18 P 2:05

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

BY: \_\_\_\_\_  
DEPUTY CLERK

**PARSONS BEHLE & LATIMER,**

**Plaintiff,**

**vs.**

**THE RECHTSANWALTSKANZLEI  
ROSSNER and JOHN J. COX,**

**Defendants.**

**ORDER**

**Case No. 2:03CV1140 DAK**

This matter is before the court on the German Intervenors' Motion to Compel Arbitration and Stay Proceedings and on their Motion for Protective Order.<sup>1</sup> A hearing on the motions was held on January 31, 2005. At the hearing, the German Intervenors were represented by Michael F. Skolnick and Mr. John J. Cox represented himself. Before the hearing, the court carefully considered the memoranda and other materials submitted by the parties. Since taking the motions under advisement, the court has further considered the law and facts relating to the motions. Now being fully advised, the court renders the following Order.

The court finds that this dispute must be arbitrated. Mr. Cox and the German Intervenors agreed in the Cox Fee Agreements to settle all disputes between them by submission to the Rossner firm, and Mr. Cox knowingly and voluntarily entered into the Cox Fee Agreements. Mr. Cox has not presented any valid reason why this court should not enforce the binding arbitration provision of the Cox Fee Agreements. Thus, the court grants the German

<sup>1</sup> The German Intervenors are listed in Exhibit A to the Order Granting Motion to Intervene (see Docket #28).

47

Intervenors' motion to compel arbitration.

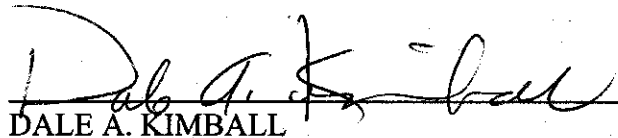
In addition, the German Intervenors seek a protective order to preclude any discovery in this case. While this motion is likely moot due to the court's ruling regarding arbitration, to the extent there is any question about whether discovery is permissible, the court grants the motion. No discovery shall be conducted in this case. This determination, however, does not pertain to whether or to what extent Mr. Cox may conduct discovery in the eventual arbitration proceeding.

### CONCLUSION

Accordingly, IT IS HEREBY ORDERED that the German Intervenors' Motion to Compel Arbitration [docket # 32-1] is GRANTED, and their Motion to Stay Proceedings [docket # 32-2] is DENIED. The Clerk of the Court is directed to administratively close this action. After completion of the arbitration, either party may file a motion to reopen the case. In addition, the German Intervenors' Motion for a Protective Order [docket # 42] is GRANTED. Mr. Cox may not conduct discovery in this case. This determination, however, does not pertain to whether or to what extent he may conduct discovery in the eventual arbitration proceeding.<sup>2</sup>

DATED this 18<sup>th</sup> day of February, 2005.

BY THE COURT:



DALE A. KIMBALL  
United States District Judge

---

<sup>2</sup> Mr. Cox also filed a Motion to Compel Withdrawal of Counsel [docket # 38]. It is the court's recollection that Mr. Cox subsequently mailed a document to judicial chambers in which he withdrew this motion, but it appears from the docket that he did not actually file this document with the court. To the extent any ambiguity remains regarding the status of this motion, the court denies the motion.

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-01140

True and correct copies of the attached were either mailed, faxed or e-mailed  
by the clerk to the following:

Mr. Michael F Skolnick, Esq.  
KIPP & CHRISTIAN  
10 EXCHANGE PLACE FOURTH FL  
SALT LAKE CITY, UT 84111-2314  
EMAIL

John J. Cox  
PO BOX 4268  
GRAND JUNCTION, CO 81502

STEVEN B. KILLPACK, Federal Defender (#1808), U.S. DISTRICT COURT  
ROBERT K. HUNT, Assistant Federal Defender (#5722)  
**UTAH FEDERAL DEFENDER OFFICE**

Attorney for Defendant  
46 West Broadway, Suite 110  
Salt Lake City, Utah 84101  
Telephone: (801) 524-4010  
Facsimile: (801) 524-4060

FILED

FILED FEB 22 AM 11:00

FILED

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

FEB 16 2005

MARKUS B. ZIMMER, CLERK

BY

IN THE UNITED STATES DISTRICT COURT DEPUTY CLERK

DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MANUEL SANTIAGO-SANCHEZ,

Defendant.

**PROPOSED STIPULATED ORDER**

Case No. 2:04CR710TS

Chief Magistrate Judge Samuel Alba

Based on motion of the defendant and good cause shown:

IT IS HEREBY ORDERED that pursuant to 57-15(15) of the Criminal Rules of Practice of United States District Court for the District of Utah, case no. 204CR710 TS is referred to Chief Magistrate Judge Samuel Alba on February 15, 2005 at 10:30 a.m. to take a plea of guilty in the above-listed case.

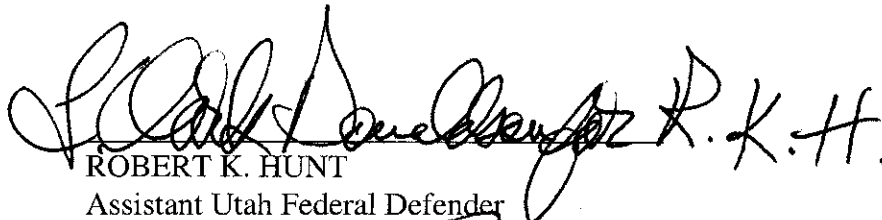
DATED THIS 15<sup>th</sup> day of February, 2005.

BY THE COURT:

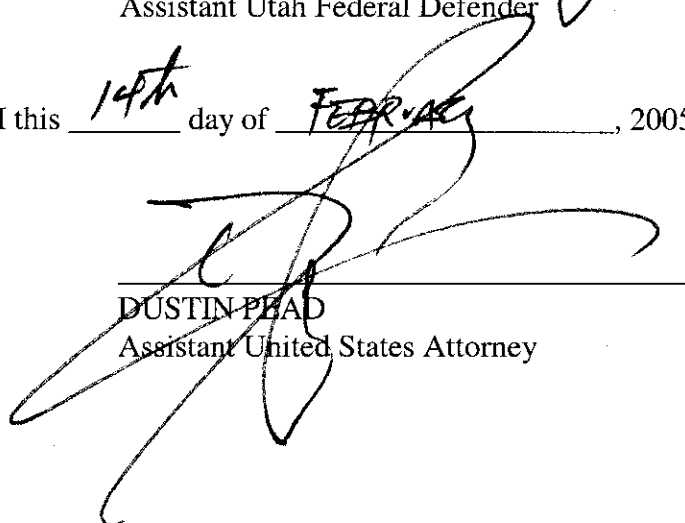
  
HONORABLE TED STEWART  
United States District Court Judge

18

APPROVED AS TO FORM this 15<sup>th</sup> day of Feb., 2005.

  
ROBERT K. HUNT  
Assistant Utah Federal Defender

APPROVED AS TO FORM this 14<sup>th</sup> day of FEBRUARY, 2005.

  
DUSTIN PEAD  
Assistant United States Attorney

jmr

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00710

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Dustin B. Pead, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Robert K. Hunt, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

FEB 13 P 5:04

DISTRICT OF UTAH

DEPUTY CLERK

RECEIVED CLERK

FEB 13 2005

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH  
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN MORRIS KINTER and  
MATTHEW FRANCIS DONAHUE,

Defendants.

ORDER ALLOWING JOINT  
ATTORNEY-DEFENDANT MEETING

*200CR627*  
CR 04-627 DAK

Hon. Dale A. Kimball  
Magistrate Judge Samuel Alba

Upon the request of defendants and good cause appearing,

IT IS HEREBY ORDERED that the United States Marshal's Service shall arrange a two-hour legal contact visit to be attended by defendant JOHN MORRIS KINTER and his attorney, JAMES A. VALDEZ, and defendant MATTHEW FRANCIS DONAHUE and his attorneys, J. TONY SERRA and RANDOLPH E. DAAR.

This meeting shall be scheduled for February 28, 2005, anytime between the hours of 11:00 a.m. and 4:00 p.m., at a location convenient to the parties and consistent with the Marshal's security concerns.

Dated: *2/18/2005*

*Dale A. Kimball*  
DALE A. KIMBALL, Judge  
United States District Court

*36*



United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00627

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Robert A. Lund, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

J. Tony Serra, Esq.  
506 BROADWAY  
SAN FRANCISCO, CA 94133  
EMAIL

David W. Brown, Esq.  
BLAKE PROFESSIONAL PLAZ  
2880 W 4700 S STE F  
WEST VALLEY CITY, UT 84118  
EMAIL

Mr. James A Valdez, Esq.  
466 S 400 E #102  
SALT LAKE CITY, UT 84111  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

RECEIVED

FILED  
CLERK, U.S. DISTRICT COURT

FEB 18 2005

RECEIVED CLERK

OFFICE OF JUDGE  
J. THOMAS GREENE

FEB 17 2005

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

STAN SPENCER,  
Plaintiff

v.

ES-O-EN CORP.,  
Defendant.

DEPUTY CLERK

CASE NO. 2:04CV1032JTG

Appearing on behalf of:

Defendant

(Plaintiff/Defendant)

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, J. Kevin West, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: February 2, 2005.

J. Kevin West

(USB #04439)

APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, Jill M. Twedt, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is a non-resident of the State of Utah; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates J. Kevin West as associate local counsel.

Date: Feb. 14, 2005.

Check here \_\_\_\_\_ if petitioner is lead counsel.

Jill M. Twedt

FEE PAID

Name of Petitioner: Jill M. Twedt

Office Telephone: (208) 395-8500

(Area Code and Main Office Number)

Business Address: Hall, Farley, Oberrecht & Blanton, P.A.  
P.O. Box 1271  
Boise, ID 83701

ORIGINAL

---

**BAR ADMISSION HISTORY**

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
State of Idaho	Idaho	September, 2003
U.S. District of Idaho	Idaho	September, 2003
Ninth Circuit Court of Appeals		November, 2004
(If additional space is needed, attach separate sheet.)		

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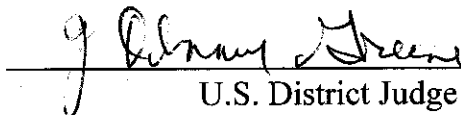
**PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT**

CASE TITLE	CASE NUMBER	DATE OF ADMISSION
None		
(If additional space is needed, attach a separate sheet.)		

**ORDER OF ADMISSION**

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 22<sup>nd</sup> day of February, 2005.

  
U.S. District Judge

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 15 day of February, 2005, I caused to be served a true copy of the foregoing **MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL AND APPLICATION FOR ADMISSION PRO HAV VICE**, by the method indicated below, and addressed to each of the following:

KENNETH PARKINSON  
HOWARD, LEWIS & PETERSEN, P.C.  
120 East 300 North Street  
P.O. Box 1248  
Provo, Utah 84603

<input checked="" type="checkbox"/>	U.S. Mail, Postage Prepaid
<input type="checkbox"/>	Hand Delivered
<input type="checkbox"/>	Overnight Mail
<input type="checkbox"/>	Telecopy (801) 377-4991

  
\_\_\_\_\_  
J. Kevin West

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-01032

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Kenneth Parkinson, Esq.  
HOWARD LEWIS & PETERSEN  
120 E 300 N  
PO BOX 1248  
PROVO, UT 84603  
EMAIL

Robert O. Rice, Esq.  
RAY QUINNEY & NEBEKER  
36 S STATE ST STE 1400  
PO BOX 45385  
SALT LAKE CITY, UT 84145-0385  
EMAIL

J. Kevin West, Esq.  
HALL FARLEY OBERRECHT & BLANTON PA  
702 W IDAHO STE 700  
BOISE, ID 83701

Jill M. Twedt, Esq.  
HALL FARLEY OBERRECHT & BLANTON PA  
PO BOX 1271  
BOISE, ID 83701

FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 22 A 10:23

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

ALDERSON FAMILY TRUST; JOHN W.  
ALDERSON, Trustee of the Alderson  
Family Trust; and CONNIE J. ALDERSON,  
Trustee of the Alderson Family trust.

Plaintiffs,

vs.

FIVE STAR GROUP, L.C., a Utah Limited  
Liability Company; and KIP JARDINE; an  
individual,

Defendants.

**ORDER GRANTING MOTION TO  
AMEND THE PREVIOUSLY  
AMENDED SCHEDULING ORDER**

Case No. 2:04CV00236TC

U.S. Magistrate Brooke C. Wells

Based on review of the Stipulation and Motion to Amend the Previously Amended  
Scheduling Order, and good cause appearing therefore,

IT IS HEREBY ORDERED that said Motion to Amend Scheduling Order is granted as  
follows:

The times and deadlines set forth herein may not be modified without the approval of the  
court and on a showing of good cause.

1. The discovery cutoff deadline is extended from January 15, 2005 to April 15,  
2005.
2. The dispositive motion cutoff is extended from February 15, 2005 to May 15,  
2005.

BT

3. Plaintiffs deadline for Rule 26(a)(3) Pretrial Disclosures is extended from May 15, 2005, to August 8, 2005.

4. Defendants deadline for Rule 26(a)(3) Pretrial Disclosures is extended to from June 13, 2005, to August 22, 2005.

5. The Special Attorney Pretrial Conference is rescheduled from on or before June 27, 2005, to on or before October 6, 2005.

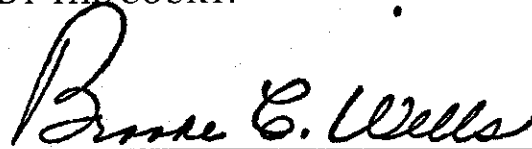
6. The Pretrial Settlement Conference is rescheduled from on or before June 27, 2005, to on or before October 6, 2005.

7. The Final Pretrial Conference is rescheduled from July 11, 2005, at 3:00 p.m., to October 20, 2005 at 3:00 p.m.

8. The five (5) day Jury Trial date is rescheduled from August 1, 2005, at 8:30 a.m., to November 14, 2005 at 8:30 a. m.

DATED this the 17 day of February, 2005.

BY THE COURT:

A handwritten signature in cursive script, reading "Brooke C. Wells", written in dark ink over a horizontal line.

Brooke C. Wells  
U.S. Magistrate Judge

alt

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00236

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Michael R. Carlston, Esq.  
SNOW CHRISTENSEN & MARTINEAU  
10 EXCHANGE PLACE  
PO BOX 45000  
SALT LAKE CITY, UT 84145-5000  
EMAIL

Mr. David D Jeffs, Esq.  
JEFFS & JEFFS  
90 N 100 E  
PO BOX 888  
PROVO, UT 84603  
EMAIL



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FEB 17 2005

FILED  
RECEIVED  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

HERSHEY FOODS CORPORATION, a  
Delaware corporation,

Plaintiff,

v.

HOMALAKE, L.P., a California limited  
partnership,

Defendant.

Civil No. 2:05CV00052

Judge Tena Campbell

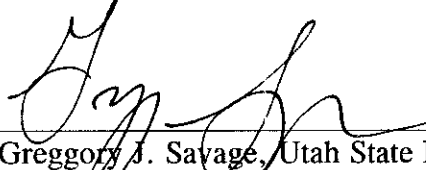
Appearing on behalf of:  
Defendant Homalake, L.P.,  
a California limited partnership

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, Greggory J. Savage, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Dated: February 17th, 2005.

HOLME ROBERTS & OWEN LLP

  
Greggory J. Savage, Utah State Bar #5988  
299 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: (801) 521-5800  
Facsimile: (801) 521-9639

4

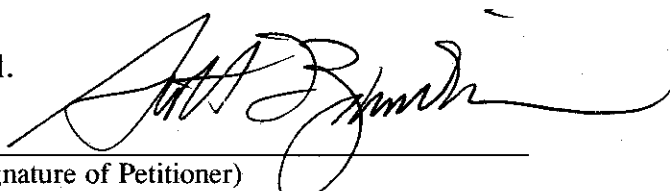
## APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, Scott L. Zimmerman, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state of California; is (i) X a non-resident of the State of Utah or, (ii)     a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates Greggory J. Savage as associate local counsel.

Date: February       , 2005.

Check here X if petitioner is lead counsel.

  
(Signature of Petitioner)

Name of Petitioner: Scott L. Zimmerman

Office Telephone: (818) 222-9889

Business Address: Zimmerman Walker & Monitz LLP  
23975 Park Sorrento, Suite 210  
Telephone: (818) 222-9889  
Facsimile: (818) 222-9780  
Email: szimmerman@zwlaw.com

---

### BAR ADMISSION HISTORY

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
State Bar of California	California	1983 (Bar No. 110182)
U.S. District Court – Central District of California	Los Angeles	1984
U.S. Court of Appeals – Ninth Judicial Circuit		1984

---

### PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT

CASE TITLE	CASE NUMBER	DATE OF ADMISSION
None		

**FEE PAID**

### ORDER OF ADMISSION

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

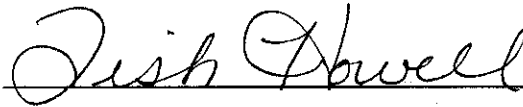
This 21 day of February, 2005.

  
\_\_\_\_\_  
U.S. District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of February, 2005, I caused a true and correct copy of  
the foregoing to be served in the following manner:

<u>      </u>	HAND DELIVERY	Eric C. Olson
<u>  X  </u>	U.S. MAIL (postage prepaid)	Stephen W. Geary
<u>      </u>	OVERNIGHT COURIER	Kirton & McConkie
<u>      </u>	FAX TRANSMISSION	60 East South Temple, Suite 1800
<u>      </u>	E-MAIL TRANSMISSION	P. O. Box 45120
		Salt Lake City, Utah 84145-0120
<u>      </u>	HAND DELIVERY	Scott L. Zimmerman
<u>  X  </u>	U.S. MAIL (postage prepaid)	Zimmerman Walker & Monitz LLP
<u>      </u>	OVERNIGHT COURIER	Calabasas Park Centre
<u>      </u>	FAX TRANSMISSION	23975 Park Sorrento, Suite 210
<u>      </u>	E-MAIL TRANSMISSION	Calabasas, CA 91302-4011

  
\_\_\_\_\_

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FILED  
CLERK, U.S. DISTRICT COURT

FEB 17 2005

RECEIVED

FEB 22 A 10:32

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

U.S. DISTRICT COURT

HERSHEY FOODS CORPORATION, a  
Delaware corporation,

Plaintiff,

v.

HOMALAKE, L.P., a California limited  
partnership,

Defendant.

Civil No. 2:05CV00052

Judge Tena Campbell

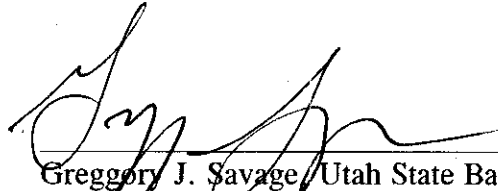
Appearing on behalf of:  
Defendant Homalake, L.P.,  
a California limited partnership

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, Greggory J. Savage, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Dated: February 17th, 2005.

HOLME ROBERTS & OWEN LLP



Greggory J. Savage / Utah State Bar #5988  
299 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: (801) 521-5800  
Facsimile: (801) 521-9639


## APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, Jeffrey C. Walker, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state of California; is (i) X a non-resident of the State of Utah or, (ii)     a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates Greggory J. Savage as associate local counsel.

Date: February       , 2005.

Check here        if petitioner is lead counsel.

  
(Signature of Petitioner)

Name of Petitioner: Jeffrey C. Walker

Office Telephone: (818) 222-9889

Business Address: Zimmerman Walker & Monitz LLP  
23975 Park Sorrento, Suite 210  
Telephone: (818) 222-9889  
Facsimile: (818) 222-9780  
Email: jwalker@zwlaw.com

---

---

**BAR ADMISSION HISTORY**

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
State Bar of California	California	1987 (Bar No. 131594)
U.S. District Court - Central District of California	Los Angeles	1987
U.S. Court of Appeals - Ninth Judicial Circuit		1987

---

---

**PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT**

CASE TITLE	CASE NUMBER	DATE OF ADMISSION
None		

FEE PAID

**ORDER OF ADMISSION**

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 21 day of February, 2005.

  
\_\_\_\_\_  
U.S. District Judge

### CERTIFICATE OF SERVICE

I hereby certify that on the 17<sup>th</sup> day of February, 2005, I caused a true and correct copy of the foregoing to be served in the following manner:

<u>    </u>	HAND DELIVERY	Eric C. Olson
<u>  X  </u>	U.S. MAIL (postage prepaid)	Stephen W. Geary
<u>    </u>	OVERNIGHT COURIER	Kirton & McConkie
<u>    </u>	FAX TRANSMISSION	60 East South Temple, Suite 1800
<u>    </u>	E-MAIL TRANSMISSION	P. O. Box 45120
		Salt Lake City, Utah 84145-0120

<u>    </u>	HAND DELIVERY	Scott L. Zimmerman
<u>  X  </u>	U.S. MAIL (postage prepaid)	Zimmerman Walker & Monitz LLP
<u>    </u>	OVERNIGHT COURIER	Calabasas Park Centre
<u>    </u>	FAX TRANSMISSION	23975 Park Sorrento, Suite 210
<u>    </u>	E-MAIL TRANSMISSION	Calabasas, CA 91302-4011

*Dish Howell*



United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cv-00052

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Eric C. Olson, Esq.  
KIRTON & MCCONKIE  
60 E S TEMPLE STE 1800  
SALT LAKE CITY, UT 84111-1004  
EMAIL

Greggory J. Savage, Esq.  
HOLME ROBERTS & OWEN LLP  
299 S MAIN ST STE 1800  
SALT LAKE CITY, UT 84111-2263  
EMAIL

Scott L. Zimmerman, Esq.  
ZIMMERMAN WALKER & MONITZ LLP  
23975 PARK SORRENTO STE 210  
CALABASAS, CA 91302

**United States District Court**  
**District of Utah**

2005 FEB 22 A 10:32

DEPUTY CLERK

**UNITED STATES OF AMERICA**

vs.

**Dennis James Monard**

**(For Revocation of Probation or Supervised Release)**  
(For Offenses Committed On or After November 1, 1987)

Case Number: **2:98-CR-00132-001-TC**

Plaintiff Attorney: **Leshia Lee-Dixon, AUSA**

Defendant Attorney: **Rick MacDougall, FPD**

Atty: CJA \_\_\_ Ret \_\_\_ FPD **X**

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's USM No.: **06882-081**

Defendant's Residence Address: \_\_\_\_\_

\_\_\_\_\_

Country \_\_\_\_\_

**02/17/2005**

Date of Imposition of Sentence

Defendant's Mailing Address:

same

Country \_\_\_\_\_

THE DEFENDANT:

☒ admitted to allegation(s)

☐ pleaded nolo contendere to allegation(s)  
which was accepted by the court.

☐ was found guilty as to allegation(s)

COP **2/17/05** Verdict \_\_\_\_\_

**1 & 2 of petition**

**Violation Number**

**Nature of Violation**

**Date Violation Occurred**

1

The defendant has been in contact with six different inmates, via telephone, currently incarcerated in six different Bureau of Prisons facilities. All six individuals were identified as "Skin Head Associates" by the Federal Bureau of Prisons.

2/19/2004

2

The defendant was found associated with several inmates, via mail, currently incarcerated at the USP Pollock in Louisiana. A \$50 money order was enclosed in one of the letters.

3/11/2004

☐ The defendant has been found not guilty on count(s)

☐ Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

**Entered on docket**

**2-22-05 by:**

**Deputy Clerk**

**SENTENCE**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

Upon release from confinement, the defendant shall be placed on supervised release for a term of  
**The court re-instates original term of supervision.**

49

- ☐ The defendant is placed on Probation for a period of \_\_\_\_\_.  
The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☒ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall participate in drug and/or alcohol aftercare under a co-payment plan, as directed by the USPO.
2. The defendant shall participate in a mental health treatment program under a co-payment plan, as directed by the USPO.
3. The defendant shall submit to drug and/or alcohol testing, as directed by the USPO, and contribute a \$70 fee to partially defer the cost of collection and testing.
4. The defendant shall not use or possess alcohol.
5. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
6. ***The defendant shall have no contact whatsoever with persons known as Skin Heads or any white supremacy group.***

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ \_\_\_\_\_, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other: \_\_\_\_\_

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

### RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☐ Restitution is payable as follows:
- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ other: \_\_\_\_\_
- ☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).
- ☐ An Amended Judgment in a Criminal Case will be entered after such determination

### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ \_\_\_\_\_, payable as follows:

☐ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

**PRESENTENCE REPORT/OBJECTIONS**

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

**RECOMMENDATION**

- ☐ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:
- 

**CUSTODY/SURRENDER**

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE:

2-21-2005

Tena Campbell  
Tena Campbell  
United States District Judge

Defendant: Dennis James Monard  
Case Number: 2:98-CR-00132-001-TC

Page 5 of 5

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

alt

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:98-cr-00132

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

Benjamin C. McMurray, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Leshia M. Lee-Dixon, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

2005 FEB 22 A 10:32

DISTRICT CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

# United States District Court

## District of Utah

UNITED STATES OF AMERICA

vs.

Joseph Manuel Reyes

### JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **1:04-CR-00030-001-TC**

Plaintiff Attorney: **Kevin Sundwall, AUSA**

Defendant Attorney: **Fred Metos, Esq.**

Atty: CJA ☒ Ret ☐ FPD ☐

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's USM No.: **11326-081**

Defendant's Residence Address: \_\_\_\_\_

Unknown

Country \_\_\_\_\_

**02/17/2005**

Date of Imposition of Sentence

Defendant's Mailing Address: \_\_\_\_\_

Country \_\_\_\_\_

THE DEFENDANT:

- ☐ pleaded guilty to count(s)
- ☐ pleaded nolo contendere to count(s)  
which was accepted by the court.
- ☒ was found guilty on count(s)

COP \_\_\_\_\_ Verdict **09/01/2004**

**I of indictment**

**Title & Section**

18 USC §2113

**Nature of Offense**

Bank Robbery

**Count**

**Number(s)**

I

Entered on docket

**2-22-05** by:

*[Signature]*  
Deputy Clerk

- ☐ The defendant has been found not guilty on count(s) \_\_\_\_\_
- ☐ Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.

### SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

**115 months**

Upon release from confinement, the defendant shall be placed on supervised release for a term of

**36 months**

- ☐ The defendant is placed on Probation for a period of \_\_\_\_\_
- The defendant shall not illegally possess a controlled substance.

45



*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug and/or testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment under a co-payment plan as directed by the USPO.
2. The defendant shall participate in a mental health treatment program under a co-payment plan, as directed by the USPO.
3. The defendant shall take any mental health medications as prescribed, and shall not possess or consume alcohol.
4. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
5. The defendant shall submit to the collection of a DNA sample at the direction of the US Bureau of Prisons or the USPO.

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ \_\_\_\_\_, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
No fine imposed.

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

### RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Wells Fargo Attn: Vonda Collins 5 South Main Street Logan, Utah, 84321	\$2,919.00	\$2,919.00

Totals: \$ 2,919.00 \$ 2,919.00

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☒ Restitution is payable as follows:
- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
payable at the minimum rate of \$35 per month upon release from incarceration.

- ☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).
- ☐ An Amended Judgment in a Criminal Case will be entered after such determination

### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00 , payable as follows:

- ☒ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

### PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

### DEPARTURE

The Court grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure: see attached findings.

### RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

**The court recommends defendant be placed in a facility in the western United States and that he participate in drug counseling and treatment while incarcerated.**

### CUSTODY/SURRENDER

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.

☐ The defendant shall report to the institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE:

2-21-2005



Tena Campbell

United States District Judge

Defendant: Joseph Manuel Reyes  
Case Number: 1:04-CR-00030-001-TC

Page 5 of 5

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

## 1

2

9

U

1 YEAR OLD MAN, AND I DO NOT BELIEVE THAT WAREHOUSING A 26 YEAR  
2 OLD MAN WITH THIS RECORD WOULD IN ANY WAY BE REASONABLE FOR  
3 HIM OR FOR SOCIETY.

4 HOWEVER, I AM GOING TO IMPOSE A GUIDELINE SENTENCE THAT  
5 DOES NOT TAKE INTO ACCOUNT THE CAREER OFFENDER, WHICH IS 92 TO  
6 115 MONTHS. HOWEVER, RECOGNIZING THE GOVERNMENT'S ARGUMENTS,  
7 WHICH ARE WELL FOUNDED, THE SECOND ESCAPE, THE EGREGIOUS  
8 NATURE OF THE OFFENSE IN 28, I'M GOING TO IMPOSE A 115 MONTH  
9 SENTENCE, WHICH IS THE HIGH END. THAT IS A VERY LENGTHY  
10 SENTENCE, AND IF THERE IS ANY REHABILITATION TO BE DONE, THE  
11 EDUCATION THAT MR. REYES WANTS, IT CAN BE DONE THEN.

12 ANY REASON THAT SENTENCE SHOULD NOT BE FURTHER IMPOSED?

13 MR. METOS: NO REASON, JUDGE.

14 (END OF STATEMENT OF REASONS)

15 \* \* \*

16  
17 Jena Campbell  
18 2-18-2005  
19  
20  
21  
22  
23  
24  
25

alt

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:04-cr-00030

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Kevin L. Sundwall, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Mr. Fred Metos, Esq.  
10 W BROADWAY STE 650  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

# United States District Court

## District of Utah

FEB 22 A 10:32

CLERK OF COURT

UNITED STATES OF AMERICA

vs.

Jason H. Garcia

aka "Dogg"

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: **2:03-CR00996-001-TC**Plaintiff Attorney: **Richard Daynes, AUSA**Defendant Attorney: **Fred Metos**Atty: CJA ☒ Ret ☐ FPD ☐

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's USM No.: **11205-081**

Defendant's Residence Address: \_\_\_\_\_

Country: \_\_\_\_\_

**02/17/05**

Date of Imposition of Sentence

Defendant's Mailing Address: \_\_\_\_\_

same

Country: \_\_\_\_\_

## THE DEFENDANT:

☒ pleaded guilty to count(s)☐ pleaded nolo contendere to count(s)  
which was accepted by the court.☐ was found guilty on count(s)COP **11/22/2004** Verdict \_\_\_\_\_**I of Felony Information****Title & Section**


21 USC § 841(a)(1)

**Nature of Offense**Possession With Intent to Distribute 5 Grams or More  
of Methamphetamine Actual**Count****Number(s)**

I

Entered on docket

2-22-05 by:

  
 Deputy Clerk
☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☒ Count(s) **Indictment** \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.**SENTENCE**

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

**120 months (to run concurrent with state sentence imposed in case #011900758, Third District Ct).**Upon release from confinement, the defendant shall be placed on supervised release for a term of  
**96 months**☐ The defendant is placed on Probation for a period of \_\_\_\_\_  
The defendant shall not illegally possess a controlled substance.

49



*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant shall resume monthly child support payments as established by the Office of Recovery Services. The defendant shall keep current on these payments and attach a copy of said payment to his monthly supervision report.
2. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment under a co-payment plan as directed by the USPO.
3. The defendant shall not use or possess alcohol.
4. The defendant shall refrain from association with any known gang member.
5. The defendant shall submit to the collection of a DNA sample at the direction of the US Bureau of Prisons or the USPO.

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ \_\_\_\_\_, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
No fine imposed.

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:

- ☐ The interest requirement is waived.  
☐ The interest requirement is modified as follows:

### RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
----------------------------------	-----------------------	--

Totals: \$ \_\_\_\_\_ \$ \_\_\_\_\_

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☐ Restitution is payable as follows:
- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
  - ☐ other:

- ☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).

- ☐ An Amended Judgment in a Criminal Case will be entered after such determination

### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

### PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

**RECOMMENDATION**

- ☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

**The court recommends defendant be placed in a facility in the western U.S. close to the state of Utah and that he participate in the Intensive Drug/Alcohol Treatment Program known as RDAP.**

**CUSTODY/SURRENDER**

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by \_\_\_\_\_ Institution's local time, on \_\_\_\_\_.

DATE:

2-21-2005

Tena Campbell

Tena Campbell  
United States District Judge

Defendant: Jason H. Garcia  
Case Number: 2:03-CR00996-001-TC

Page 5 of 5

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

alt

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cr-00996

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Richard W. Daynes, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Mr. Fred Metos, Esq.  
10 W BROADWAY STE 650  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT  
FEB 22 A 10:32

# United States District Court District of Utah

UNITED STATES OF AMERICA

vs.

Timothy Raymond Jensen

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:04-CR-00207-002-TC

Plaintiff Attorney: Vernon Stejskal, SAUSA

Defendant Attorney: Stephanie Ames, Esq.

Atty: CJA ☒ Ret ☐ FPD ☐

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's USM No.: 11425-081

Defendant's Residence Address: \_\_\_\_\_

Country: \_\_\_\_\_

02/17/2005

Date of Imposition of Sentence

Defendant's Mailing Address: \_\_\_\_\_

same

Country: \_\_\_\_\_

### THE DEFENDANT:

☒ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☐ was found guilty on count(s)

COP 12/8/04 Verdict \_\_\_\_\_

4 of indictment

### Title & Section

21 USC § 841(c)(2)

### Nature of Offense

Possession of a List II Chemical, Iodine, Knowing it  
Would be Used to Manufacture a Controlled  
Substance.

### Count

Number(s)

4

Entered on docket

2-22-05 by:

*[Signature]*  
Deputy Clerk

☐ The defendant has been found not guilty on count(s)

☒ Count(s) 1 of indictment (is)(are) dismissed on the motion of the United States.

### SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the  
defendant be committed to the custody of the United States Bureau of Prisons for a term of

23 months

Upon release from confinement, the defendant shall be placed on supervised release for a term of

36 months

☐ The defendant is placed on Probation for a period of \_\_\_\_\_

The defendant shall not illegally possess a controlled substance.

*66*

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant possesses a low risk of future substance abuse. (Check if applicable.)

### **SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION**

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. The defendant will submit to drug/alcohol testing as directed by the probation office and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment under a co-payment plan as directed by the USPO.
2. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
3. The defendant shall not possess or consume alcohol.
4. The defendant shall submit to the collection of a DNA sample at the direction of the US Bureau of Prisons or the USPO.

### **CRIMINAL MONETARY PENALTIES**

#### **FINE**

The defendant shall pay a fine in the amount of \$ \_\_\_\_\_, payable as follows:

- ☐ forthwith.
- ☐ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
**No fine imposed.**

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).

- ☐ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), it is ordered that:
- ☐ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

### RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Drug Enforcement Administration Denver Division Office 115 Inverness Drive East Englewood, Co. 80112	\$3,684.54	\$3,684.54

Totals: \$ 3,684.54 \$ 3,684.54

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

- ☒ Restitution is payable as follows:
- ☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:  
**jointly and severally, payable at a minimum rate of \$105 per month upon release from incarceration.**
- ☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until \_\_\_\_\_ pursuant to 18 U.S.C. § 3664(d)(5)(not to exceed 90 days after sentencing).
- ☐ An Amended Judgment in a Criminal Case will be entered after such determination

### SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ \_\_\_\_\_

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid



### PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

### DEPARTURE

The Court grant the Motion for Departure pursuant to 18 U.S.C. 3553(c)(2), the Court enters its reasons for departure:

### RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

**The court recommends defendant be placed in a facility in Arizona, Nevada or New Mexico and that he participate in an educational program to obtain a GED.**

### CUSTODY/SURRENDER

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district at \_\_\_\_\_ on \_\_\_\_\_.

☒ The defendant shall report to the institution designated by the Bureau of Prisons by noon Institution's local time, on 3/10/05.

DATE:

2-21-2005

Tena Campbell  
Tena Campbell  
United States District Judge

Defendant: Timothy Raymond Jensen  
Case Number: 2:04-CR-00207-002-TC

Page 5 of 5

### RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy U.S. Marshal

alt

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cr-00207

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Colleen K. Coebergh, Esq.  
29 S STATE ST #007  
SALT LAKE CITY, UT 84111  
EMAIL

Stephanie Ames, Esq.  
3635 BIRCH AVE  
OGDEN, UT 84403  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

RECEIVED

CLERK U.S. DISTRICT COURT

FEB 17 2005 FEB 22 A 9:32

IN THE UNITED STATES DISTRICT COURT

RECEIVED CLERK

JUDGE TENA CAMPBELL

FEB 19 2005

DISTRICT OF UTAH, CENTRAL DIVISION:

DEPUTY CLERK

U.S. DISTRICT COURT

UNITED STATES OF AMERICA,  
Plaintiff,

v.

GEORGE DUMAS,  
Defendant.

**ORDER TO CONTINUE  
EVIDENTIARY HEARING**

Case No. 2:02 CR 32 TC

Based on the motion to continue hearing filed by defendant in the above-entitled case, and good cause appearing,

It is hereby ORDERED that the evidentiary hearing previously scheduled to begin February 18, 2005, is hereby continued to this 2<sup>nd</sup> day of March, 2005, at 10:00am. Pursuant to 18 U.S.C. § 3161(h), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the new hearing date set forth in paragraph one above is excluded from speedy trial computation.

Dated this 17 day of February, 2005.

BY THE COURT:

*Tena Campbell*

Tena Campbell  
United States District Court Judge

50

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:02-cr-00032

True and correct copies of the attached were either mailed, faxed or e-mailed  
by the clerk to the following:

US Probation  
DISTRICT OF UTAH  
/  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
/  
EMAIL

Benjamin C. McMurray, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Leshia M. Lee-Dixon, Esq.  
US ATTORNEY'S OFFICE  
/  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

2005 FEB 22 A 11:00  
DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

JOSE VICENTE-HERNANDEZ

Defendant(s),

PRETRIAL ORDER PURSUANT  
TO RULE 17.1 F.R.Cr.P.

Case No. 1:05-CR-10 DAK

The above-entitled action came on for pretrial conference February 15, 2005, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for 4/26/05, (1 days) at 8:30. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Dale A. Kimball by 4/25/05 along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes   X   No       

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

10

3. Pretrial motions are to be filed by: 3/18/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/12/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

7. All exhibits will be premarked before Judge Dale A. Kimball's clerk before trial.

8. Other order and directions are: GOVERNMENT TO PROVIDE DISCOVERY BY 2/18/05.

9. Interpreter Needed: Yes X No     Language SPANISH

DATED this 15<sup>th</sup> day of February, 2005.

BY THE COURT:



Samuel Alba  
Chief Magistrate Judge

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:05-cr-00010

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Stanley H Olsen, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Robert K. Hunt, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Viviana Ramirez, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL



FILED  
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

FILED FEB 22 A 10:00  
BY: DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

SECUNDION OVIEDO GONZALEZ

Defendant(s),

PRETRIAL ORDER PURSUANT  
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-79 DAK

The above-entitled action came on for pretrial conference February 15, 2005, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for 4/26/05, (2 days) at 8:30 am. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Dale A. Kimball by 4/25/04 along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No       

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

10

3. Pretrial motions are to be filed by: 3/18/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/5/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

7. All exhibits will be premarked before Judge Dale A. Kimball's clerk before trial.

8. Other order and directions are: GOVERNMENT TO PROVIDE DISCOVERY BY 2/18/05.

9. Interpreter Needed: Yes X No    Language SPANISH

DATED this 15<sup>th</sup> day of February, 2005.

BY THE COURT:

  
Samuel Alba  
Chief Magistrate Judge

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cr-00079

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Leshia M. Lee-Dixon, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

Mr. Richard G MacDougall, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

Robert K. Hunt, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

SEP 22 A 1:00

DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

LISA GARRETT MICKELSEN

Defendant(s),

PRETRIAL ORDER PURSUANT  
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-70 TC

The above-entitled action came on for pretrial conference February 15, 2005, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for 4/26/05, (2 days) at 8:30 AM. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Tena Campbell by 4/25/05 along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No       

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

14

3. Pretrial motions are to be filed by: 3/16/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/12/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

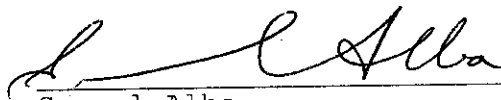
7. All exhibits will be premarked before Judge Tena Campbell's clerk before trial.

8. Other order and directions are:

9. Interpreter Needed: Yes ☐ No ☒ Language \_\_\_\_\_

DATED this 15<sup>th</sup> day of February, 2005.

BY THE COURT:



Samuel Alba  
Chief Magistrate Judge

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cr-00070

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Samuel J. Schmidt, Esq.  
USPS WESTERN AREA LAW OFFICE  
9350 S 150 E #800  
SANDY, UT 84070-2716  
EMAIL

Mr. Kirk C. Lusty, Esq.  
US POSTAL SERVICE  
LAW DEPT WE AREA  
9350 S 150 E #800  
SANDY, UT 84070-2702  
EMAIL

Jamie Zenger, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
/  
EMAIL

US Probation  
DISTRICT OF UTAH  
/  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

FEB 22 A 1:00

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH,  
CENTRAL DIVISION

BY: DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff(s),

vs.

GERARDO SALINAS VALVERDE

Defendant(s),

PRETRIAL ORDER PURSUANT  
TO RULE 17.1 F.R.Cr.P.

Case No. 2:05-CR-85 TC

The above-entitled action came on for pretrial conference February 16, 2005, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for 4/27/05, (2 days) at 8:30 am. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Tena Campbell by 4/25/05 along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes X No     

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

8

3. Pretrial motions are to be filed by: 3/16/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/13/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: DETAINED.

7. All exhibits will be premarked before Judge Tena Campbell's clerk before trial.

8. Other order and directions are:

9. Interpreter Needed: Yes X No    Language SPANISH

DATED this 16<sup>th</sup> day of February, 2005.

BY THE COURT:



Samuel Alba  
Chief Magistrate Judge



alt

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cr-00085

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Karin Fojtik, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

Sharon L. Preston, Esq.  
716 E 4500 S STE N142  
SALT LAKE CITY, UT 84107  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

UNITED STATES OF AMERICA Plaintiff(s),  vs.  STEVEN RANDALL FARR Defendant(s),	PRETRIAL ORDER PURSUANT TO RULE 17.1 F.R.Cr.P.  Case No. 2:05-CR-29 TC
--	---

The above-entitled action came on for pretrial conference **February 17, 2005**, before Samuel Alba, United States Magistrate Judge. Defense counsel and the Assistant United States Attorney were present. Based thereon the following is entered:

1. A jury trial in this matter is set for **4/25/05**, (5 days) at **8:30 AM**. It appears the trial date is appropriate if the matter is to be tried. Proposed instructions are to be delivered to Judge Tena Campbell by **4/22/05** along with any proposed voir dire questions.

2. The government has an open file policy re: discovery.

Yes   X   No       

The government shall provide defense counsel with a copy of the defendant's criminal history. Defense counsel shall not permit further dissemination of the document.

9

3. Pretrial motions are to be filed by: 4/6/05 at 5:00 p.m.

4. It is unknown if this case will be resolved by a negotiated plea of some kind. If so, plea negotiations should be completed by 4/11/05. If negotiations are not completed for a plea by the date set, the case will be tried.

5. Issues as to witnesses do not exist in this matter, but defense counsel will make arrangements for subpoenas, if necessary, as early as possible to allow timely service.

6. Defendant's release or detention status: RELEASED.

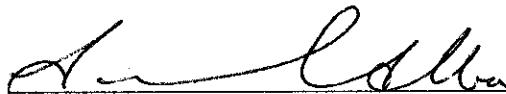
7. All exhibits will be premarked before Judge Tena Campbell's clerk before trial.

8. Other order and directions are:

9. Interpreter Needed: Yes ☐ No ☒ Language \_\_\_\_\_

DATED this 17<sup>th</sup> day of February, 2005.

BY THE COURT:



Samuel Alba  
Chief Magistrate Judge

alt

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cr-00029

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Timothy L. Taylor, Esq.  
UTAH COUNTY ATTORNEYS OFFICE  
100 E CENTER ST STE 2100  
PROVO, UT 84606  
EMAIL

Mr. Neil A. Kaplan, Esq.  
CLYDE SNOW SESSIONS & SWENSON  
ONE UTAH CENTER 13TH FL  
201 S MAIN ST  
SALT LAKE CITY, UT 84111-2216  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH  
,  
EMAIL

US Probation  
DISTRICT OF UTAH  
,  
EMAIL

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

FEB 18 2005

BY MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

DEES

Plaintiff(s),

vs.

BARNHART

Defendant(s).

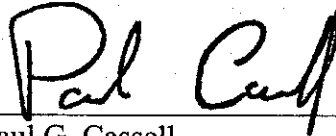
ORDER WITHDRAWING  
MAGISTRATE REFERENCE

Case No. 2:03-CV-00927 PGC

IT IS ORDERED that the reference pursuant to 28 U.S.C. § 636(b)(1)(B) to Magistrate  
Judge Wells entered February 24, 2004 is hereby withdrawn.

DATED this 18<sup>th</sup> day of February, 2005.

BY THE COURT:



Paul G. Cassell  
United States District Judge

11e

tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00927

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

L. Kathleen Ferro, Esq.  
UTAH LEGAL SERVICES INC  
205 N 400 W  
SALT LAKE CITY, UT 84103-1125

Scott Patrick Bates, Esq.  
US ATTORNEY'S OFFICE

,  
EMAIL

John A. Pearce (#8585)  
JONES WALDO HOLBROOK & MCDONOUGH  
170 So. Main Street, Suite 1500  
Salt Lake City, UT 84101-1644  
Telephone: (801) 521-3200  
Facsimile: (801) 328-0537

Alexander Frid (admitted *pro hac vice*)  
JONES DAY  
555 West Fifth Street, Suite 4600  
Los Angeles, CA 90013  
Telephone: (213) 489-3939  
Facsimile: (213) 243-2539

Attorneys for Defendants  
EXPERIAN INFORMATION SOLUTIONS, INC.

RECEIVED

CLERK, U.S. DISTRICT COURT

FEB 17 2005

2005 FEB 18 A 9:59

BROOKE C. WELLS  
U.S. MAGISTRATE JUDGE OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

RECEIVED

FEB 17 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

RECEIVED CLERK

FEB 16 2005

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

KENNETH L. GRAY,

Plaintiff,

vs.

HOUSEHOLD FINANCIAL  
CORPORATION, AND EXPERIAN  
INFORMATION SOLUTIONS, INC.,

Defendants.

STIPULATED PROTECTIVE ORDER

Case No.: 2:04CV502PGC

Judge: Paul G. Cassell

**STIPULATED PROTECTIVE ORDER**

IT IS HEREBY STIPULATED by and between Plaintiff Kenneth L. Gray ("Plaintiff") and Defendant Experian Information Solutions, Inc. ("Experian"), through their respective attorneys of record, as follows:

WHEREAS, documents and information have been and may be sought, produced or exhibited by and among the parties to this action relating to trade secrets, confidential research, development, technology or other proprietary information belonging to the defendants and/or personal income, credit and other confidential information of Plaintiff.

THEREFORE, an Order of this Court protecting such confidential information shall be and hereby is made by this Court on the following terms:

1. This Order shall govern the use, handling and disclosure of all documents, testimony or information produced or given in this action which are designated to be subject to this Order in accordance with the terms hereof.
2. Any party or non-party producing or filing documents or other materials in this action may designate such materials and the information contained therein subject to this Order by typing or stamping on the front of the document, or on the portion(s) of the document for which confidential treatment is designated, "Confidential."
3. To the extent any motions, briefs, pleadings, deposition transcripts, or other papers to be filed with the Court incorporate documents or information subject to this Order, the party filing such papers shall designate such materials, or portions thereof, as "Confidential," and shall file them with the clerk under seal; provided, however, that a copy of such filing having the confidential information deleted therefrom may be made part of the public record.
4. All documents, transcripts, or other materials subject to this Order, and all information derived therefrom (including, but not limited to, all testimony, deposition, or otherwise, that refers, reflects or otherwise discusses any information designated Confidential hereunder), shall not be used, directly or indirectly, by any person, for any business, commercial or competitive purposes or for any purpose whatsoever other than solely for the preparation and trial of this action in accordance with the provisions of this Order.
5. Except with the prior written consent of the individual or entity asserting confidential treatment, or pursuant to prior Order after notice, any document, transcript or pleading given confidential treatment under this Order, and any information contained in, or derived from any such materials (including but not limited to, all deposition testimony that refers, reflects or otherwise discusses any information designated confidential hereunder) may not be disclosed other than in accordance with this Order and may not be



disclosed to any person other than: (a) the Court and its officers; (b) parties to this litigation; (c) counsel for the parties, whether retained counsel or in-house counsel and employees of counsel assigned to assist such counsel in the preparation of this litigation; (d) fact witnesses subject to a proffer to the Court or a stipulation of the parties that such witnesses need to know such information; and (e) present or former employees of the producing party in connection with their depositions in this action (provided that no former employees shall be shown documents prepared after the date of his or her departure).

6. All persons receiving any or all documents produced pursuant to this Order shall be advised of their confidential nature. All persons to whom confidential information and/or documents are disclosed are hereby enjoined from disclosing same to any other person except as provided herein, and are further enjoined from using same except in the preparation for and trial of the above-captioned action between the named parties thereto. No person receiving or reviewing such confidential documents, information or transcript shall disseminate or disclose them to any person other than those described above in Paragraph 5 and for the purposes specified, and in no event shall such person make any other use of such document or transcript.
7. Nothing in this Order shall prevent a party from using at trial any information or materials designated "Confidential."
8. This Order has been agreed to by the parties to facilitate discovery and the production of relevant evidence in this action. Neither the entry of this Order, nor the designation of any information, document, or the like as "Confidential," nor the failure to make such designation, shall constitute evidence with respect to any issue in this action.
9. Within sixty (60) days after the final termination of this litigation, all documents, transcripts, or other materials afforded confidential treatment pursuant to this Order, including any extracts, summaries or compilations taken therefrom, but excluding any

materials which in the good faith judgment of counsel are work product materials, shall be returned to the individual or entity having produced or furnished same.

10. In the event that any party to this litigation disagrees at any point in these proceedings with any designation made under this Protective Order, the parties shall first try to resolve such dispute in good faith on an informal basis. If the dispute cannot be resolved, the party objecting to the designation may seek appropriate relief from this Court. During the pendency of any challenge to the designation of a document or information, the designated document or information shall be continue to be treated as "Confidential" subject to the provisions of this Protective Order.
11. Nothing herein shall affect or restrict the rights of any party with respect to its own documents or to the information obtained or developed independently of documents, transcripts and materials afforded confidential treatment pursuant to this Order.

Dated: February \_\_, 2005


JONES DAY

By: 

Alexander Frid (admitted *pro hac vice*)

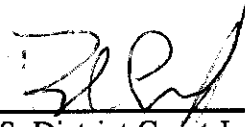
Attorneys for Defendant  
EXPERIAN INFORMATION SOLUTIONS,  
INC.

Dated: February 5, 2005

  
Kenneth L. Gray (*pro per*)  
P.O. Box 2257  
Sandy, UT 84091

IT IS SO ORDERED.

Dated:

  
U.S. District Court Judge

3/18/05

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 16th day of February, 2005, I caused a true and correct copy of foregoing to be mailed, postage prepaid, to the following:

Kenneth L. Gray  
P.O. Box 2257  
Sandy, UT 84091

Bryan W. Cannon  
Larry A. Kirkham  
Bldg. A, Suite 111  
8619 South Sandy Parkway  
Sandy, UT 84070



---

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00502

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Kenneth L. Gray  
PO BOX 2257  
SANDY, UT 84091-2257

Mr. Bryan W Cannon, Esq.  
8619 S SANDY PKWY  
BLDG A STE 111  
SANDY, UT 84070

John A. Pearce, Esq.  
JONES WALDO HOLBROOK & MCDONOUGH  
170 S MAIN ST STE 1500  
PO BOX 45444  
SALT LAKE CITY, UT 84145-0444  
EMAIL

Alexander Frid, Esq.  
JONES DAY  
555 W FIFTH ST STE 4600  
LOS ANGELES, CA 90013-1025  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

2005 FEB 18 A 9:19

RECEIVED CLERK

FEB 17 2005

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

U.S. DISTRICT COURT

ALLEN D. BAIR,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

Court No. 2:04-CV-1036-PGC

ORDER

RECEIVED

FEB 17 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

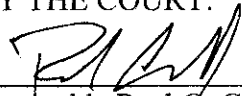
Based upon Defendant's Unopposed Motion To Remand and good cause appearing therefor,

IT IS HEREBY ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), this case is remanded to the Commissioner for further administrative proceedings. IT IS FURTHER ORDERED that judgment shall be entered in accordance with Fed. R. Civ. P. 58, consistent with the United States Supreme Court's decision in Shalala v. Schaefer, 509 U.S. 292, 296-302 (1993).

Accordingly, this action shall be dismissed.

DATED this 18th day of February, 2005.

BY THE COURT:

  
Honorable Paul G. Cassell  
United States District Court

8

tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-01036

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Bradley N. Roylance, Esq.  
NEIDER & ROYLANCE  
50 S MAIN #1550  
SALT LAKE CITY, UT 84144  
EMAIL

Scott Patrick Bates, Esq.  
US ATTORNEY'S OFFICE  
,  
EMAIL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

FILED  
2005 FEB 18 A 9:27

DAVID GLASSCOCK,  
Petitioner,  
v.  
STATE OF UTAH,  
Respondent.

DISTRICT OF UTAH  
BY: Case No. 2:04-CV-189 PGC  
DEPUTY CLERK

O R D E R

Petitioner, David Glasscock, requests service of process and appointed counsel.

First, it is inappropriate for Petitioner to request service of process in a habeas corpus case. The Court, on its own, reviews the petition and determines whether to order an answer. See Rule 4, Rs Governing § 2254 Cases in the U.S. Dist. Courts. Further, in this case, the Court has already ordered an answer, which has been submitted. Thus, Petitioner's motion is moot in any event.

Second, Petitioner has no constitutional right to appointed counsel in a federal habeas corpus case. See *United States v. Lewis*, No. 97-3135-SAC, 91-10047-01-SAC, 1998 U.S. Dist. LEXIS 21998, at \*8 (D. Kan. December 9, 1998). Moreover, because no evidentiary hearing is yet required here, Petitioner has no statutory right to counsel. See Rule 8(c), Rs. Governing § 2254 Cases in U.S. Dist. Courts. However, the Court may in its discretion appoint counsel when "the interests of justice so

15

require" for a "financially eligible person" bringing a § 2254 petition. See 18 U.S.C.S. § 3006A(a)(2)(B) (2005).

The Court has reviewed the pleadings in this case and determines that justice does not require appointed counsel at this time. First, it is yet unclear that Petitioner has asserted any colorable claims. See *Lewis*, 1998 U.S. Dist. LEXIS 21998, at \*10; *Oliver v. United States*, 961 F.2d 1339, 1343 (7th Cir. 1992). Second, Petitioner has shown "the ability to investigate the facts necessary for his issues and to articulate them in a meaningful fashion." *Lewis*, 1998 U.S. Dist. LEXIS 21998, at \*10; *Oliver*, 961 F.2d at 1343. Finally, the issues in this case appear "straightforward and not so complex as to require counsel's assistance." *Lewis*, 1998 U.S. Dist. LEXIS 21998, at \*10; *Oliver*, 961 F.2d at 1343. The Court thus denies for now Plaintiff's motion for appointed counsel.

IT IS HEREBY ORDERED that Petitioner's motions for service of process and appointed counsel are denied. (See File Entry #s 7 & 8.)

DATED this 19 day of February, 2005.

BY THE COURT:



---

DAVID O. NUFFER  
United States Chief Magistrate Judge



tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00189

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

David Glasscock  
CENTRAL UTAH CORRECTIONAL FACILITY  
#18886 A-125-B  
PO BOX 550  
GUNNISON, UT 84634

Criminal Appeals, Esq.  
CRIMINAL APPEALS  
160 E 300 S SIXTH FLOOR  
PO BOX 140854  
SALT LAKE CITY, UT 84114-0854  
JFAX 9,3660167

Erin Riley, Esq.  
UTAH ATTORNEY GENERAL'S OFFICE  
160 E 300 S 6TH FLOOR  
PO BOX 140854  
SALT LAKE CITY, UT 84114-0854  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 18 A 10:54

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

BY: \_\_\_\_\_  
DEPUTY CLERK

UNITED STATES OF AMERICA

Plaintiff,

vs.

MAYRA SELENE GARCIA WONG-  
VALENCIA

Defendant.

ORDER DIRECTING BRIEFING ON  
THE POSSIBILITY OF DISPARITY  
IN LIGHT OF "FAST TRACK"  
PROGRAMS IN OTHER DISTRICTS

Case No. 2:05-CR-0004-PGC

This case appears to present the question of whether a defendant who is arrested in Utah should receive a longer sentence than an identical defendant who is arrested on an identical crime in Arizona. The court is troubled by this geographic disparity and directs briefing on the question.

The defendant has been charged with illegal re-entry as a previously removed alien in violation of 8 U.S.C. § 1326. Should the defendant plead guilty, as the court understands that she intends to do, the court will then have to determine the appropriate sentence. In the wake of the

12

Supreme Court's recent decision in *United States v. Booker*,<sup>1</sup> this court has ruled that, as a matter of discretion, it will give "heavy weight" to the advisory sentencing Guidelines, varying from the Guidelines only for good reason.<sup>2</sup> At the same time, however, the court has recognized the congressional command "to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct . . . ."<sup>3</sup> As this court has explained,

Avoiding unwarranted sentencing disparity was the *main goal* of the Sentencing Reform Act. The Guidelines were primarily formulated to "eliminate the unwarranted disparities that proliferated under the prior sentencing regime and to foreclose the consideration of race, gender, and other illegitimate factors at sentencing." As *Booker* explains, Congress' "basic statutory goal in enacting the Guidelines was to provide a sentencing system that diminishes sentencing disparity" and "to move the sentencing system in the direction of increased uniformity." In an effort to achieve this end, "Congress directed the [Sentencing] Commission . . . to provide certainty and fairness in sentencing and avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar criminal conduct while maintaining sufficient flexibility."<sup>4</sup>

The court is aware that in some other judicial districts around the country, a defendant like Ms Wong-Valencia would be eligible for a "fast track" disposition of her case, in which she would receive a shorter sentence than otherwise recommended by Guidelines if she pled guilty

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<sup>1</sup> 125 S.Ct. 738 (2005).

<sup>2</sup> *United States v. Wilson*, 2005 WL 78552 (D. Utah, Jan. 13, 2005).

<sup>3</sup> 18 U.S.C. § 3553(a)(6).

<sup>4</sup> *Wilson*, 2005 WL 78552 (citations omitted) (emphasis added).

quickly without filing motions.<sup>5</sup> The court also understands that the United States Attorney's Office will not recommend such a fast track disposition in this district. This produces the result that defendants, like Ms. Wong-Valencia, may receive a longer sentence merely because of the District (Utah) in which they were arrested.

At least one court has quite recently noted the disparity created by these fast track dispositions. In *United States v. Galvez-Barrios*,<sup>6</sup> Judge Adelman concluded

In imposing sentence in the present case, I was also troubled by the unwarranted sentencing disparity under the guidelines for [immigration] offenders. The disparity occurs because certain judicial districts utilize so-called "fast-track programs" in [these] cases. Through charge bargaining or stipulated departures, these programs allow [an immigration] offender who agrees to a quick guilty plea and uncontested removal to receive a reduced sentence.

Although fast-track programs may be useful in helping busy border districts process more defendants, they nevertheless create serious sentencing disparities.... As one judge put it, "it is difficult to imagine a sentencing disparity less warranted than one which depends upon the accident of the judicial district in which the defendant happens to be arrested." Therefore, under *Booker* and 3553(a)(6), it may be appropriate in some cases for courts to exercise their discretion to minimize the sentencing disparity that fast-track programs create.<sup>7</sup>

Commentators, too, have been troubled by the disparity among similarly-situated defendants created by reduced fast track sentences.<sup>8</sup>

Given that the defendant has elected to plead guilty rapidly, has not filed any motions,

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<sup>5</sup> See generally Erin T. Middleton, Comment, *Fast-Track to Disparity: How Federal Sentencing Policies Along the Southwest Border are Undermining the Sentencing Guidelines and Violating Equal Protection*, 2004 Utah L. Rev. 827.

<sup>6</sup>No. 04-CR-14 (D. Wisc. Feb. 2, 2005), available at <http://sentencing.typepad.com>.

<sup>7</sup> *Id.* at \*6.

<sup>8</sup> See, e.g., Middleton, *supra*.

and has facilitated the rapid disposition of her case by allowing the probation office to begin a criminal history check shortly after indictment, it would appear that she could be eligible for a fast track disposition in other districts. The criminal history check has revealed nothing out of the ordinary. It could therefore be argued that the defendant should be able to receive a lesser sentence than called for by the Guidelines – what would be equivalent to the fast track disposition in a border district

The court would particularly be interested in guidance on several points on the upcoming sentencing in this case, assuming that the defendant pleads guilty. In particular, guidance on the following points would be useful:

- (1) Would Ms. Wong-Garcia be eligible for a fast-track disposition in other districts?
- (2) If so, what would her sentence be in other districts?
- (3) What is the workload of those other districts (in terms of illegal re-entry cases per prosecutor)?
- (4) How does the workload here in Utah compare (in terms of illegal re-entry cases per prosecutor)?
- (5) Should Ms. Wong-Garcia receive the equivalent of a fast-track disposition.

On this last point, on the one hand, it might be argued that Congress' recently-passed PROTECT Act specifically sanctioned fast track dispositions.<sup>9</sup> Implementing that directive, the

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<sup>9</sup> See 117 Stat. at 675.

Sentencing Commission amended the Guidelines to recognize fast track departures.<sup>10</sup>

Accordingly, in light of that congressional and Commission approval, the government might argue that the court should not vary from the Guideline sentence.

On the other hand, it might be argued that fast track programs ought to be only short term measures. For example, if district A (a non-border district) has 100 illegal re-entry cases per year and 10 Assistant U.S. Attorneys to handle them, and district B (a border district) has 900 illegal re-entry case per year and 10 Assistant U.S. Attorneys to hand them, then district B has nine times the workload (per attorney) as district A. But, given that the Department of Justice can over time transfer attorneys between districts, it would seem to be a straightforward matter in the longer term for the 8 attorneys to be transferred from district A to district B. After such a transfer, each district would then have exactly the same caseload (50 illegal re-entry cases per prosecutor). Put another way, any disproportionate workload in border districts would appear to be (in the long term) entirely a matter of Justice Department assignment of its prosecutors. If this conclusion is correct, is it fair to sentence one similarly-situated defendant to a longer prison term merely because the Department has chosen not to reassign attorneys to balance out workload? Put another way, even if the PROTECT Act sanctioned fast-track dispositions in 2003 as a response to the disproportionate workload carried by border district prosecutors at that time, is there any reason why some 18 months later such dispositions should persist?

The court's tentative thought, having reviewed the pre-plea pre-sentence report but

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<sup>10</sup> U.S.S.G. § 5K3.1.

having yet to receive the views of counsel, is that defendant Wong-Valenica should receive the same sentence that she would have received has she been arrested in a border district. The court sees no other way to effect the congressional command to avoid "unwarranted sentence disparities."<sup>11</sup> The court does this not in effort to lower sentences for these kinds of cases. To the contrary, the court is fully prepared, as a matter of discretion, to generally follow the Guidelines in illegal re-entry cases no less than other cases. But the court is troubled by the fact that a women in Utah will receive a longer sentence merely because of the happenstance of the state in which she was arrested. This would seem to be a "fast track to disparity" that should be avoided.<sup>12</sup>

In sketching out these thoughts, the court in no way means to disparage the defendant's presumption of innocence and right to a jury trial. The court realizes that the defendant has yet to plead guilty. However, because the court has been advised that the defendant intends to plead guilty, it may be desirable for the defendant and the government to receive advance notice on the sentencing approach the court is considering. The court can, of course, raise all these issues *sua sponte* because determining the appropriate sentence remains a judicial function. In particular, the court has raised these issues *sua sponte* in the form of this order to avoid any unfair surprise or prejudice to the government that might arise if the court presented these questions for the first time at the sentencing hearing.

The court would appreciate receiving the guidance of counsel on these issues and all

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<sup>11</sup> 18 U.S.C. § 3553(a)(6).

<sup>12</sup> See generally Middleton, *supra*.

other issues surrounding whether failure to give a defendant a fast track disposition in this district might violate the statutory command to avoid "unwarranted sentencing disparity."<sup>13</sup> In a recent review of the operation of the Guidelines, the Sentencing Commission laments that "the absence of reliable information on the types of cases which are, and which are not, sentenced pursuant to" fast track programs prevents them from analyzing the impact of such programs on sentencing disparity but nevertheless concludes that the existence of fast track programs "explains a great deal of regional variation in downward departure rates."<sup>14</sup>

The court understands that the plea hearing is set for February 23, 2005. The issues described above are important and complicated. The government, for example, may wish to coordinate its position in this case with that taken in other cases. Accordingly, to permit careful briefing on these issues, the court will **strike the plea hearing on February 23, 2005**, and direct an opening brief from each side to be filed on these questions by **March 1, 2005**. Any response is due **March 8**. A hearing will be held at **10:00 A.M. on March 10, 2005**, to determine whether (1) to accept the defendant's plea and (2) what sentence is appropriate. If either side has any concerns about the foregoing, counsel should arrange a joint conference call to the court. The court has set this matter on a fast track since a quasi-fast track disposition presumably requires moving the case along quickly.

Because similar issues may recur in a large number of cases, the court would appreciate counsel on both sides coordinating their position with the appropriate supervisors in their

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<sup>13</sup> 18 U.S.C. § 3553(a)(6).

<sup>14</sup> Sentencing Commission 15 Year Report at 106, 112.



respective offices.

The court would also appreciate receiving the thoughts of counsel on whether the defendant's criminal history is over-represented.

SO ORDERED

DATED this 14th day of February, 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. G. Cassell', is written over a horizontal line.

Paul G. Cassell

United States District Judge

tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:05-cr-00004

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Dustin B. Pead, Esq.  
US ATTORNEY'S OFFICE

,  
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Robert K. Hunt, Esq.  
UTAH FEDERAL DEFENDER OFFICE  
46 W BROADWAY STE 110  
SALT LAKE CITY, UT 84101  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 18 P 12:39

UNITED STATES OF AMERICA

Plaintiff,

Samuel Oetinger

Defendant

ORDER SETTING CONDITIONS  
OF RELEASE

1:04-CR-158-001 PGC

BY: *Ce*  
DEPUTY CLERK

Upon the recommendation of Pretrial Services, it is hereby ordered that the defendant be released from custody with the following special conditions:

1. The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
2. The defendant shall immediately advise the court, defense counsel and the U. S. Attorney in writing of any change in address and telephone number.
3. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
4. The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
5. The defendant shall reside at Cornell Corrections Center with work release.
6. The defendant shall report to supervising officer as directed.
7. The defendant shall not possess firearms or dangerous weapons.

DATED this 18<sup>th</sup> day of Feb., 2005

BY THE COURT:

*Samuel Alba*  
Honorable Samuel Alba  
Chief United States Magistrate Judge

53

tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:04-cr-00158

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Robert C Lunnen, Esq.  
US ATTORNEY'S OFFICE

,  
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Mr. Randy S Ludlow, Esq.  
185 S STATE STE 208  
SALT LAKE CITY, UT 84111  
EMAIL

United States Marshal Service  
DISTRICT OF UTAH

,  
EMAIL

US Probation  
DISTRICT OF UTAH

,  
EMAIL

FILED  
CLERK, U.S. DISTRICT COURT

2005 FEB 18 P 1:35

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FEB 14 2005

U.S. DISTRICT COURT

DISTRICT OF UTAH  
IN THE UNITED STATES DISTRICT COURT  
DEPUTY CLERK  
DISTRICT OF UTAH, CENTRAL DIVISION

YVONNE COOK,

Plaintiff,

vs.

JO ANNE B. BARNHART,  
Commissioner Of Social Security,

Defendant.

Court No. 2:04CV 00711PGC

ORDER

RECEIVED

FEB 16 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

Based upon Defendant's Unopposed Motion for Enlargement of Time and good cause appearing therefore,

IT IS HEREBY ORDERED that Defendant may have up to and including March 15, 2005 to respond to Plaintiff's Brief In Support Of Petition For Review. Plaintiff's Reply Memorandum will then be due March 29, 2005.

DATED this 16th day of February, 2005.

BY THE COURT:



Honorable Paul G. Cassell  
United States District Court

10

tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00711

True and correct copies of the attached were either mailed, faxed or e-mailed  
by the clerk to the following:

Bradford D. Myler, Esq.  
MYLER LAW OFFICES  
1278 S 800 E  
PO BOX 970039  
OREM, UT 84097  
EMAIL

Scott Patrick Bates, Esq.  
US ATTORNEY'S OFFICE  
/  
EMAIL

FILED  
CLERK U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

7005 FEB 12 12 10 36  
BY:  
DEPUTY CLERK

MIGUEL ANGEL FUENTES NICANOR

Plaintiff,

vs.

UNITED STATES OF AMERICA

Defendant.

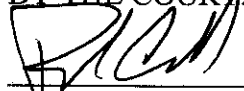
MOTION TO VACATE, SET ASIDE  
OR CORRECT SENTENCE BY A  
PERSON IN FEDERAL CUSTODY  
28 U.S.C. § 2255

Case No. 1:05-CV-00019PGC

The petitioner has filed a motion to vacate his sentence alleging that the enhancement of his sentence for a prior conviction violated his Sixth Amendment right to trial by jury as set forth in *United States v. Booker*.<sup>1</sup> The court hereby DENIES the petitioners motion (#1-1). The *Apprendi* rule, applied to the Federal Sentencing Guidelines in *Booker*, does not apply to the fact of a prior conviction.<sup>2</sup>

DATED this 18th day of February, 2005.

BY THE COURT:



Paul G. Cassell  
United States District Judge

<sup>1</sup>125 S.Ct. 738 (2005).

<sup>2</sup>*Id.* at 756.

4

tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 1:05-cv-00019

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Miguel Angel Fuentes-Nicanor  
CALIFORNIA CITY CORRECTIONAL CENTER  
21773-081  
PO BOX 3001-0001  
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Leshia M. Lee-Dixon, Esq.  
US ATTORNEY'S OFFICE

EMAIL



Charles P. Sampson (#4658)  
Jesse C. Trentadue (#4961)  
Bret S. Hayman (#7544)  
SUITTER AXLAND  
175 South West Temple, Suite 700  
Salt Lake City, Utah 84101-1480  
Telephone: (801) 532-7300  
*Attorneys for Plaintiff*

FILED  
CLERK, U.S. DISTRICT COURT  
2005 FEB 18 P 1:36  
RECEIVED  
FEB 16 2005  
OFFICE OF  
JUDGE PAUL G. CASSELL  
RECEIVED CLERK  
FEB 15 2005  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ROBERT B. GREENE, an individual,

Plaintiff,

vs.

CAMPBELL COMMUNICATIONS, L.L.C.,  
a Utah Limited Liability Company, STEVEN  
D. CAMPBELL, an individual and MELYN  
CRAPO, an individual,

Defendants.


ORDER EXTENDING TIME TO  
AMEND PLEADINGS

Case No. 2:04CV00493

Judge Paul G. Cassell

Based upon the stipulation of the parties and for good cause shown, this Court hereby  
orders that the deadline for amending pleadings shall be set for February 22, 2005.

DATED this 18th day of February, 2005.

  
Paul G. Cassell  
U.S. District Court Judge

APPROVED AS TO FORM:

FABIAN & CLENDENIN

By: 

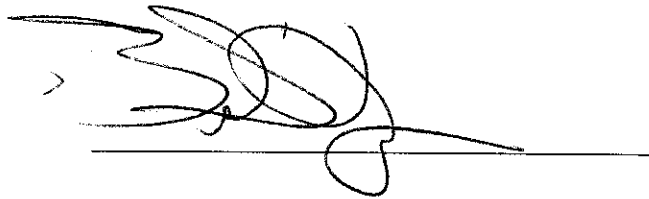
P. Bruce Badger  
*Attorneys for Defendants*

17

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15 day of February, 2005, I caused a true and correct copy of the foregoing **ORDER EXTENDING TIME TO AMEND PLEADINGS** to be served by first-class United States mail, postage pre-paid, to:

P. Bruce Badger, Esq.  
FABIAN & CLENDENIN  
215 South Main Street, 12<sup>th</sup> Floor  
P.O. Box 510210  
Salt Lake City, UT 84151  
*Attorneys for Defendants*

A handwritten signature in black ink, appearing to be "P. Badger", is written over a horizontal line.

G:\7340\1\ORDER\_EXTENSION\_021505.wpd

tsh

United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00493

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Charles P Sampson, Esq.  
SUITTER AXLAND  
PO BOX 45101  
175 S WEST TEMPLE #700  
SALT LAKE CITY, UT 84145-1480  
EMAIL

Mr. P. Bruce Badger, Esq.  
FABIAN & CLENDENIN  
215 S STATE STE 1200  
PO BOX 510210  
SALT LAKE CITY, UT 84151  
JFAX 9,5311716

PAUL M. WARNER, United States Attorney (#3389)  
RICHARD W. DAYNES, Assistant United States Attorney (#5686)  
Attorneys for the United States of America  
185 South State Street, Suite 400  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682

FILED  
U.S. DISTRICT COURT  
2005 FEB 13 P 1:36  
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DISTRICT OF UTAH  
FEB 15 2005  
DEPUTY CLERK

RECEIVED

FEB 16 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

U.S. DISTRICT COURT  
IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA :

2:04CV450 PGC

Plaintiff, :

v. :

ENTRY OF DEFAULT

658 East Rocky Mouth Lane, Draper, Utah :

Judge Paul G. Cassell

Defendants. :

It appearing from Plaintiff's Application for Entry of Default, a Stipulation signed by Xintong Li to waive all claim; and the records and files in this matter; no person or entity has filed a claim, answer, or other responsive pleading as provided in the Federal Rules of Civil Procedure, 18 U.S.C. § 983, and Supplemental Rules for Certain Admiralty and Maritime Claims.

DEFAULT IS HEREBY ENTERED against all persons and entities who have failed to file a claim or other responsive pleadings including Xintong Li.

Dated this 18th day of February, 2005.

BY THE COURT:



Paul G. Cassell, Judge  
United States District Court

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United States District Court  
for the  
District of Utah  
February 22, 2005

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:04-cv-00450

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Richard W. Daynes, Esq.  
US ATTORNEY'S OFFICE

EMAIL